

AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
THURSDAY, JANUARY 6, 2022, 7:00 PM

1. Call to order.
2. Silent prayer and pledge of allegiance.
3. Public comment period.
4. Mayor Smith will present a gift to Ms. Snuggs for her service on the council.
5. Mr. Robert Wilson, a partner with the Nelson Mullins law firm, will present a plan for the City of Asheboro to be a third party beneficiary under the Asset Purchase Agreement with American Healthcare Systems.
6. Deputy Fire Chief Eddie Cockman will announce the Asheboro Fire Department is now the Asheboro Fire and Rescue Department.
7. Consent Agenda:
 - (a) Approval of the meeting minutes for the regular city council meeting on December 9, 2021.
 - (b) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for November 1, 2021.
 - (c) Approval of an amendment to the Contract to Audit Accounts.
 - (d) Approval of a General Fund budget amendment to account for the provision of additional support to the Asheboro Housing Authority.
 - (e) Approval of a General Fund budget amendment to account for the provision of additional support for the redevelopment of downtown Asheboro.
 - (f) Approval of the community development division's request to schedule for February 10, 2022, and to advertise, a legislative hearing on a zoning map amendment application seeking to apply conditional zoning to property at 1558 and 1590 Zoo Parkway (Randolph County Parcel Identification Numbers 7750955455 and 7750955360) by rezoning the property from B2 to B2 (CZ) zoning.

- (g) Adoption of a resolution approving recently released general records and program records schedules for local government agencies.
 - (h) Approval of the reappointment of Harold Anderson to a 5-year term of office (January 1, 2022, to January 1, 2027) on the Asheboro Planning Board.
 - (i) Approval of the reappointment of the following individuals to 3-year terms of office (February 1, 2022, to February 1, 2025) on the Asheboro Airport Authority: Ms. Linda Brown, Mr. Bobby Crumley, Mr. Stephen Knight, Mr. Bradley Lanier, and Mr. Mark Vuncannon.
8. Human Resources Director Doug Kemp will request approval of a resolution expressing the council's concurrence with revisions to the City of Asheboro Employee Policies and Procedures Manual.
9. Community Development Director Trevor Nuttall will introduce the following community development division items:
- (a) Case No. RZ-21-15: A legislative hearing on an application seeking text amendments to the zoning and subdivision ordinances in response to Senate Bill 300/SL 2021-138;
 - (b) Case No. RZ-21-16: A legislative hearing on an application for a zoning map amendment to rezone property located southeast of 801 Hub Morris Road (Randolph County Parcel Identification Number 7763544550) from R10 and R40 zoning to R10 (CZ) zoning to allow a manufactured/mobile home park; and
 - (c) Consideration of a request for an Access and Parking Easement, Trash Easement, and Temporary Construction Easement related to the Church Street Loft Apartments.
10. City Engineer Michael Leonard, PE will request the following council actions on an annexation petition pertaining to a parcel of land (Randolph County Parcel Identification Number 7761523176) at 1417 East Salisbury Street:
- (a) Resolution directing the city clerk to investigate the petition; and
 - (b) Resolution setting the date for a public hearing on the question of annexation.

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11. City Engineer Michael Leonard, PE will request council actions on the following purchasing items pertaining to the capital improvements proposed for McCrary Ballpark:
 - (a) Contract award for the construction of a retaining wall; and
 - (b) Contract award for the installation of a new playing surface.
12. Finance Director Deborah Reaves will request council actions on the following budget items related to the capital improvements at McCrary Ballpark:
 - (a) An ordinance to amend the General Fund; and
 - (b) An ordinance to amend the McCrary Baseball Improvements Fund.
13. City Engineer Michael Leonard, PE will provide a progress report on the Zoo City Sportsplex Project.
14. Mayor Smith will lead the discussion on the following items:
 - (a) Update council photos; and
 - (b) Ethics training for the most recently elected/re-elected city officials.
15. A discussion of upcoming events and items not on the agenda.
16. Adjournment.

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, DECEMBER 9, 2021
7:00 PM**

This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and city management team members present:

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Jane H. Redding)
Walker B. Moffitt)
Charles A. Swiers)

Katie L. Snuggs) – Council Member Absent

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Charles D. Wagner, Police Captain
Tammy M. Williams, CMC, Deputy City Clerk

I. Pre-Organizational Phase of the Meeting

1. Call to order

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Moment of Silent Prayer and Pledge of Allegiance

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and recite the pledge of allegiance.

3. Public comment period

Mayor Smith opened the floor for public comments.

Ms. Judy Saunders expressed her appreciation of the city’s code enforcement department for its diligent efforts to beautify and improve the city.

Mr. Tim Greene acknowledged the swift response from the city’s water department when a leak recently occurred at his residence. Additionally, Mr. Greene expressed his concerns for the increase of homeless citizens within Asheboro.

There being no further comments from the public, Mayor Smith closed the public comment period.

4. Consent agenda

Council Member Burks moved, and Council Member Carter seconded the motion, to approve/adopt the consent agenda as presented. Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(a) The City Council Meeting Minutes for November 4, 2021

The meeting minutes for the city council's regular meeting on November 4, 2021, were approved and have been filed in the city clerk's office. An electronic copy of the approved document has been posted on the city's website.

(b) The City Council Meeting Minutes for November 18, 2021

The meeting minutes for the city council's special meeting on November 18, 2021, were approved and have been filed in the city clerk's office. An electronic copy of the approved document has been posted on the city's website.

(c) The Asheboro ABC Board Meeting Minutes for October 4, 2021

The council acknowledged the receipt of the Asheboro ABC Board's approved meeting minutes for October 4, 2021. This document has been filed in the city clerk's office and distributed to the city's elected officials.

(d) Results of the Municipal Election on November 2, 2021

A copy of the abstract of votes is on file in the city clerk's office. The candidates who won election to the Asheboro City Council, in alphabetical order, were Clark R. Bell, Kelly L. Heath, William N. McCaskill, and Walker B. Moffitt, Mayor David H. Smith was also reelected.

(e) Final Approval of an Update on the Code of Asheboro

ORDINANCE NUMBER 36 ORD 12-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**AN ORDINANCE AMENDING THE CODE OF ASHEBORO TO CONFORM WITH
CURRENT LEGISLATIVE AND ADMINISTRATIVE ENACTMENTS,
SPECIFICALLY INCLUDING CHAPTER 160D OF THE GENERAL STATUTES OF
NORTH CAROLINA AND SESSION LAW 2021-138 (SENATE BILL 300)**

WHEREAS, Chapter 160D of the General Statutes of North Carolina has consolidated city and county enabling statutes pertaining to planning and development regulations into a single, unified chapter; and

WHEREAS, the General Assembly of North Carolina has enacted Session Law 2021-138 (Senate Bill 300), which in Part XIII, effective December 1, 2021, provides that a violation of a city ordinance may be a misdemeanor as provided by Section 14-4 of the General Statutes of North Carolina only if the city specifies within the ordinance that such a violation is a misdemeanor (hereinafter references to sections of the General Statutes of North Carolina such as Section 14-4 will be cited as follows: G.S. § 14-4); and

WHEREAS, prior to December 1, 2021, state law provided that the violation of a city ordinance was a misdemeanor unless the city council provided otherwise; and

WHEREAS, the Asheboro City Council intends for certain ordinance violations to continue to be punishable as misdemeanors; and

WHEREAS, the Asheboro City Council has concluded that it is advisable to adopt this Ordinance in order to amend the Code of Asheboro and achieve conformance with the applicable legislative and administrative enactments.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. Section 10.21 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 10.21 EXTRATERRITORIAL JURISDICTION OF THE CITY

All of the powers for the planning and regulation of development authorized by G.S. Art. 19, Ch. 160A, for municipalities Chapter 160D of the General Statutes of North Carolina shall be exercised by the city within the extraterritorial planning jurisdiction area shown on the map (a total of seven sheets) dated September 12, 2012, prepared under City of Asheboro Engineering Department Job No. 12030, and entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area."

Section 2. Section 10.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 10.99 GENERAL PENALTY

(A) Wherever in this code or in any ordinance of the city or in any rule or regulation of any officer or agency of the city, under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code, ordinance, rule or regulation the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance, rule or regulation shall be punished as provided in G.S. § 14-4 for each separate violation. Each day any violation of this code or of any ordinance, rule or regulation shall continue shall constitute a separate offense, except as may be otherwise specifically provided.

(B) If any person shall violate an ordinance of the city regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50.

(A) Where no specific penalty is otherwise provided, any act constituting a violation of the provisions within this code of ordinances or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$100 for each day the violation continues. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of debt.

(B) In addition to the provisions of division (A) above, any provision of this code or other ordinance of the city may be enforced by any one or more of the remedies authorized by G.S. § 160A-175.

Section 3. Section 34.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 34.01 CREATED

Pursuant to Part 7 of Article 19 of Chapter 160A Chapter 160D of the General Statutes of North Carolina, there is hereby created a Community Appearance Commission of the city, to perform the functions and duties herein prescribed.

Section 4. Section 34.51 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 34.51 CREATION; COMPOSITION AND MEMBERSHIP

(A) Pursuant to Article 19 of Chapter 160A Chapter 160D of the General Statutes of North Carolina, there is hereby created a Planning Board, which shall consist of seven

members, five of whom shall be residents of the city and two of whom shall be residents of the extraterritorial area shown on the map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area" and recorded in the Office of the Randolph County Register of Deeds in Plat Book 135, Pages 28-34.

- (B) All members of the Planning Board shall have equal rights, privileges, and duties with the other members in all matters, wherever they might arise of the board to which they are appointed, regardless of whether the matters at issue arise within the city or within the extraterritorial area.
- (C) The Planning Board may exercise the powers granted by this Code and other ordinances and by G.S. Ch. 160A, Art. 19, Chapter 160D of the General Statutes of North Carolina within the city and within the extraterritorial area shown on the map entitled "City of Asheboro 2012 Revised Extra-Territorial Planning Jurisdiction Area" and recorded in the Office of the Randolph County Register of Deeds in Plat Book 135, Pages 28-34.

Section 5. Section 34.54 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 34.54 POWERS AND DUTIES

- (A) The Planning Board shall have the powers and discharge the duties provided by law for Planning Boards established under the provisions of G.S. Ch. 160A, Art. 19 Chapter 160D of the General Statutes of North Carolina.
- (B) It shall be the duty of the Planning Board, in general:
 - (1) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends and present conditions appertaining to matters which must be considered in planning the development of the area, and forces at work to cause changes in these conditions;
 - (2) To prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area;
 - (3) To establish principles and policies for guiding action in the development of the area;
 - (4) To prepare and recommend to the City Council ordinances promoting orderly development along the lines indicated in the comprehensive plan;
 - (5) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;
 - (6) To make any studies and plans necessary as part of an urban renewal program within the area;
 - (7) To keep the City Council and the general public informed and advised as to these matters;
 - (8) To perform any other duties which may lawfully be assigned to it.
- (C) As background for its comprehensive plan and any ordinances it may prepare, the Planning Board may gather maps and aerial photographs of man-made and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use, and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts.

Section 6. Section 34.56 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 34.56 ZONING

The Planning Board shall, in addition to its other powers and duties, have the powers and perform the duties of a City Planning Board with respect to city zoning, as provided in G.S. Ch. 160A, Art. 19, Chapter 160D of the General Statutes of North Carolina and in Chapter 154 of this Code.

Section 7. Section 50.003 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.003 PERMIT REQUIRED TO CONNECT TO WATER OR SEWER SYSTEM; APPLICATION

(A) It shall be unlawful for any person to cause a connection to be made to any city water main or city sewer of any type without a permit to do so issued by the Water and Sewer Department. Each application for a permit for any such connection shall be made by the owner of the premises to be served by such connection, or his duly authorized agent, to the Water and Sewer Department upon blanks furnished by the department, and upon the payment of the required tapping fees. A written permit shall be issued for the connection.

(B) A violation of this section is punishable as a misdemeanor.

Section 8. Section 50.019 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.019 TURNING ON WATER WHEN SHUT OFF BY CITY PROHIBITED

(A) It shall be unlawful for any person, except an officer or agent of the Water and Sewer Department, to turn on the water to any premises from which the water has been shut off by order of the Water and Sewer Department.

(B) A violation of this section is punishable as a misdemeanor.

Section 9. Section 50.020 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.020 PERSONS NOT ENTITLED TO SERVICE

(A) It shall be unlawful for any consumer of water from the city water system to supply water to any person whose supply has been cut off by the Water and Sewer Department for nonpayment of the water bill or for any other violation of this chapter or other provision of this Code, or for the consumer to permit any such person to take water from the fixtures on the consumer's premises.

(B) It shall be unlawful for any person not entitled to be supplied with water from the City Water System to take water from any fixture thereof.

(C) A violation of this section is punishable as a misdemeanor.

Section 10. Section 50.023 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.023 METER BY-PASS REGULATED

(A) It shall be unlawful for any person to have a "by-pass" around any water meter, without a written permit therefor from the Water and Sewer Department; and it shall be unlawful for any person lawfully having a "by-pass" to open or use it except when

permitted to do so by the Water and Sewer Department. Each day such "by-pass" is unlawfully used shall constitute a separate violation of this section.

(B) A violation of this section is punishable as a misdemeanor.

Section 11. Section 50.024 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.024 USE OF FIRE HYDRANTS

(A) It shall be unlawful for any person to open, turn on, or use water from any fire hydrant connected to the City of Asheboro water distribution system, or to attach any hose, pipe, or any other type of apparatus to such a fire hydrant, without a written revocable permit issued by the Water Resources Director or his or her designee; provided, that this prohibition shall not apply to employees of the City of Asheboro qualified to use fire hydrants in the course of performing their official duties. Portable meters for connection to fire hydrants may be furnished by the city after a permit application and security deposit have been submitted to the Water Resources Director or his or her designee. The permit holder shall be responsible for any damage to the hydrant, portable meter, connections, or any other component of the city's water distribution system. Such damages will be billed to the permit holder. Subject to the following exception, all charges for water consumption shall be billed to the permit holder in accordance with the adopted rate schedule. Contractors performing work for the city and contractors blowing off newly constructed water lines will not be billed for the water used for these particular tasks. While a hydrant is in use, no wrench shall be used on the hydrant other than an approved hydrant wrench.

(B) A violation of this section is punishable as a misdemeanor.

Section 12. Section 50.026 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.026 TRESPASS UPON PREMISES USED IN PROVIDING CITY WATER

(A) It shall be unlawful to enter upon, walk, ride, bathe, swim, boat, skate, hunt, fish or trespass in any manner whatsoever upon any portion of any pond or reservoir or any land or building owned, leased or controlled by the city for the purpose of providing water, whether such property is located within or without the city limits, unless such activity is approved by the Parks and Recreation Services Department.

(B) A violation of this section is punishable as a misdemeanor.

Section 13. Section 50.039 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.039 TAPPING TO SERVICE CONNECTION; INSTALLATION OF METER

(A) It shall be unlawful for any person other than an employee of the Water and Sewer Department to connect any premises with the city water system. When a service connection has been made between the water main and curb and the owner of the premises desires that his premises be connected with such service connection he shall make application to the Water and Sewer Department for the installation of a water meter. Upon the payment of the prescribed fee such meter will be installed and connection made by the city.

(B) A violation of this section is punishable as a misdemeanor.

Section 14. Section 50.076 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.076 TAMPERING WITH SYSTEM

(A) It shall be unlawful for any person to remove, damage, tamper or interfere with any sewer pipe belonging to the city or to remove, break, tamper with or injure any portion of any manhole, flush tank or any part of the city sewerage system or any installation thereunto appertaining.

(B) A violation of this section is punishable as a misdemeanor.

Section 15. Section 50.077 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.077 INJURIOUS SUBSTANCES PROHIBITED

(A) No exhaust steam or other injurious products, liquids or substances shall be allowed to enter any sanitary sewer. In addition to any other penalty provided for the violation of this section, the City Council may prevent or discontinue any connection with a sanitary sewer which discharges any liquid or substance liable to injure the sewer, sewerage disposal plant or equipment or obstruct the flow of sewage.

(B) A violation of this section is punishable as a misdemeanor.

Section 16. Section 50.102 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 50.102 PROHIBITED CONNECTIONS

(A) It shall be unlawful for any person to directly or indirectly connect or permit the connection of any open gutter, cesspool, privy, vault, or rain water conductor to any sanitary sewer.

(B) A violation of this section is punishable as a misdemeanor.

Section 17. Section 50.199 of the Code of Asheboro is hereby enacted to provide as follows:

§ 50.199 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 18. Section 51.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 51.06 TRANSPORTATION OF SOLID WASTE INTO CITY FOR COLLECTION PROHIBITED

(A) It shall be unlawful for any person to haul, carry, or in any other manner transport solid waste into the city from outside the city for the purpose of leaving or depositing such solid waste for collection by city forces. A violation of this division is punishable as a misdemeanor.

(B) For the purpose of interpreting and applying this section, the term **SOLID WASTE**, in addition to including any materials that are collected by the city's Environmental Services Department and regulated elsewhere in this chapter, is defined as any hazardous or nonhazardous garbage, refuse, sludge, and any other material that has served its original intended use and has been discarded.

- (C) If nonhazardous solid waste transported into the city in violation of this section is left for collection by or with the acquiescence of an otherwise lawful customer of the city's Environmental Services Department, and such solid waste would be subject to collection but for the fact it was transported into the city in violation of this section, the otherwise lawful customer who placed or acquiesced in the placement of such solid waste for collection shall be billed for the collection of the illegally placed solid waste in the same manner and to the same extent as customers billed for improperly placed waste material under the provisions of § 51.22(A)(5) and § 51.22(E) of this chapter. If the illegally placed solid waste can be collected without the use of a knuckle boom truck, the charge for the collection services will be based on the amount of solid waste actually collected and how many scoops would have been required to remove such a quantity of solid waste if a knuckle boom truck had been used.
- (D) Notwithstanding any other provision in this section, recyclable materials transported to a recycling collection point/facility and solid waste transported to the city's transfer station are permitted so long as such materials are delivered and unloaded in accordance with all applicable laws and regulations, specifically including without limitation the regulations governing the operations of the recycling center(s) and/or the city's transfer station.

Section 19. Section 51.07 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 51.07 OFFENSIVE MATERIALS NOT TO BE BROUGHT INTO OR BURIED IN CITY

(A) It shall be unlawful to fill any land with, or dump upon any vacant lot within the city, garbage, dead animals, decaying vegetable matter or any offensive material; nor shall any of the aforementioned offensive materials be buried within the city.

(B) A violation of this section is punishable as a misdemeanor.

Section 20. Section 51.21 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 51.21 INTERFERENCE WITH SOLID WASTE/ RECYCLABLES CONTAINERS PROHIBITED

- (A) It shall be unlawful for anyone other than the person who initially placed the solid waste/recyclables for collection to open, move, or otherwise disturb a solid waste/recyclables container that has been placed for collection adjacent to a street or sidewalk in compliance with the regulations prescribed by this chapter.
- (B) It shall be unlawful for anyone other than the person who initially placed the solid waste/recyclables for collection to open a plastic bag placed inside a solid waste/recyclables container or to remove or otherwise disturb in any manner the contents of the solid waste/ recyclables container after the container has been placed for collection adjacent to a street or sidewalk in compliance with the regulations prescribed by this chapter.
- (C) Notwithstanding divisions (A) and (B) of this section, the prohibition against opening, moving, removing, or otherwise disturbing a solid waste/ recyclables container, or its contents, after placement for collection is inapplicable to the following individuals and entities:
 - (1) Employees or contractors of the United States of America, the State of North Carolina, or the City of Asheboro when such employees or contractors are operating within the scope of their employment or contractual responsibilities.
 - (2) Any and all individuals who belong to the same household as the person who initially placed the solid waste/recyclables container adjacent to the street or sidewalk for collection.

(D) A violation of this section is punishable as a misdemeanor.

Section 21. Section 51.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 51.99 PENALTY

Any violation of a division or section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 22. Section 70.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.15 OBEDIENCE REQUIRED; EXCEPTIONS

(A) The driver of any vehicle shall obey the instructions of any applicable official traffic control device unless otherwise directed by a police officer, subject to the exemptions granted by this title to the driver of an authorized emergency vehicle; provided, that no provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being placed to give notice thereof.

(B) A violation of this section is punishable as an infraction.

Section 23. Section 70.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.16 PREVIOUSLY INSTALLED DEVICES

(A) All traffic and parking control devices, signals, signs and markings heretofore placed, erected or installed by authority of the City Council and which are in place on the effective date of this code shall be deemed to be official traffic control devices until such time as they may be removed by authority of the City Council pursuant to this chapter, and until they are so removed it shall be unlawful for any person to fail to comply with any instruction or directive indicated by any such official traffic control device.

(B) A violation of this section is punishable as an infraction.

Section 24. Section 70.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.17 TURNING INDICATORS

(A) Whenever authorized signs are placed, erected, or installed indicating that no right, left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign; and when authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles traversing or turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(B) A violation of this section is punishable as an infraction.

Section 25. Section 70.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.18 NO-PARKING AND SAFETY ZONE INDICATORS

(A) Whenever authorized signs or markings are placed, erected or installed indicating no-parking zones or safety zones, no driver of a vehicle shall disobey the directions contained in or given by such signs or markings.

(B) A violation of this section is punishable as an infraction.

Section 26. Section 70.19 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.19 LIMITED PURPOSE PARKING INDICATORS

- (A) Whenever authorized signs or markings are placed, erected or installed indicating zones in which parking or standing is limited to specified purposes, no driver of a vehicle shall disobey the directions contained in or given by such signs or markings.
- (B) This section shall be applicable to taxicab stands, bus stops, commercial loading spaces, reserved parking spaces and other places authorized by this title to be restricted to certain uses only.

(C) A violation of this section is punishable as an infraction.

Section 27. Section 70.20 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.20 LIMITED PARKING TIME INDICATORS

- (A) Whenever authorized signs or markings are placed, erected or installed indicating parking zones in which parking time is limited, no driver of a vehicle shall disobey the directions contained in or given by such signs or markings.

(B) A violation of this section is punishable as an infraction.

Section 28. Section 70.21 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.21 ONE-WAY STREET SIGNS

- (A) Whenever authorized signs are placed, erected or installed indicating that traffic shall proceed only in a certain direction, no driver of a vehicle shall disobey the directions contained in or given by such signs.

(B) A violation of this section is punishable as an infraction.

Section 29. Section 70.22 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.22 STOP AND YIELD SIGNS

- (A) Whenever authorized stop signs are placed, erected or installed indicating that vehicles shall be brought to a stop before proceeding into an intersection, no driver of a vehicle shall disobey the directions contained in or given by such signs, nor shall he proceed into any such intersection until he has first determined that no conflict with traffic will be involved.
- (B) Whenever authorized yield or yield right of way signs are placed, erected or installed indicating that no vehicle shall enter an intersection without first yielding the right of way to other vehicles approaching from any direction, no driver of a vehicle shall disobey the directions contained in or given by such signs, nor shall he proceed into any such intersection until he has first determined that no conflict with traffic will be involved.

(C) A violation of this section is punishable as an infraction.

Section 30. Section 70.23 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 70.23 SIGNS INDICATING VEHICLES OF CERTAIN TYPES OR
WEIGHT PROHIBITED**

(A) Whenever authorized signs are placed, erected or installed indicating that vehicles of certain types or in excess of certain weights are prohibited on certain streets or portions of certain streets, no driver of a vehicle shall disobey the prohibitions of any such sign.

(B) A violation of this section is punishable as an infraction.

Section 31. Section 70.24 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.24 SPEED LIMIT SIGNS

(A) Whenever authorized signs are placed, erected or installed indicating speed limits, no driver of a vehicle shall disobey the directions contained in or given by such signs.

(B) A violation of this section is punishable as an infraction.

Section 32. Section 70.25 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.25 ZONES OF QUIET

(A) Whenever authorized signs are placed, erected or installed indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency, nor shall he permit a radio to emit sound that can be heard above the sound of traffic within such zone, or make any unnecessary noise.

(B) A violation of this section is punishable as an infraction.

Section 33. Section 70.26 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.26 PLAY STREETS

(A) Whenever authorized signs are placed, erected or installed indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof, except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

(B) A violation of this section is punishable as an infraction.

Section 34. Section 70.27 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.27 SCHOOL ZONES

(A) Whenever authorized signs are placed, erected or installed indicating any street or part thereof as a school zone, all drivers of motor vehicles using such street or part thereof shall exercise the greatest care in driving for the protection of children.

(B) A violation of this section is punishable as an infraction.

Section 35. Section 70.40 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.40 THROUGH STREETS; DUTY TO STOP

- (A) Those streets and parts of streets described in schedule 6 of § 72.02 are hereby declared to be through streets for the purpose of this chapter.
- (B) When authorized stop signs are placed, erected or installed upon highways intersecting a through street at the entrance thereto, or at the entrance to any intersection, every driver of a vehicle shall stop and shall not proceed into or across the through street until he has first determined that no conflict with traffic will be involved.
- (C) Failure to stop before entering a through street, except in accordance with a traffic stop light signal at an intersection where such light is in operation, is prohibited.
- (D) A violation of this section is punishable as an infraction.

Section 36. Section 70.41 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.41 DUTY OF DRIVERS AT STOP INTERSECTIONS

- (A) Those intersections described in schedule 7 of § 72.02 are hereby declared to be stop intersections, when entered from streets first named; and when authorized stop signs are placed, erected or installed at such intersections, every driver of a vehicle shall stop, in obedience to such signs, before entering the intersection and shall not proceed into or across the through street until he has first determined that no conflict with traffic will be involved.
- (B) A violation of this section is punishable as an infraction.

Section 37. Section 70.42 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.42 INTERSECTIONS AND CROSSWALKS

- (A) No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.
- (B) A violation of this section is punishable as an infraction.

Section 38. Section 70.43 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.43 OPERATION ON ONE-WAY STREETS

- (A) Upon those streets and parts of streets described in schedule 8 of § 72.02, vehicular traffic shall move only in the indicated direction when authorized signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.
- (B) A violation of this section is punishable as an infraction.

Section 39. Section 70.44 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.44 DRIVING THROUGH FUNERAL PROCESSIONS

(A) No vehicle shall be driven through a funeral procession, except authorized emergency vehicles when responding to calls.

(B) A violation of this section is punishable as an infraction.

Section 40. Section 70.45 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.45 LEFT TURNS

(A) In making left turns at the street intersections described in schedule 9 of § 72.02, all traffic shall travel to the left of the center of such intersections as may be indicated by authorized buttons, markers or other directing signs.

(B) A violation of this section shall be punishable as an infraction.

Section 41. Section 70.46 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.46 INTERSECTIONS AT WHICH LEFT AND RIGHT TURNS PROHIBITED

(A) No vehicle shall make a left turn at any street intersection described in schedule 10 of § 72.02.

(B) No vehicle shall make a right turn at any street intersection described in schedule 11 of § 72.02.

(C) A violation of this section is punishable as an infraction.

Section 42. Section 70.47 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.47 INTERSECTIONS AT WHICH U-TURN PROHIBITED

~~No driver shall turn any vehicle so as to proceed in the opposite direction except at a street intersection; and no vehicle shall make a U-turn even at street intersections:~~

~~—(A) Within the business district;~~

~~—(B) Where an official traffic control device is in operation, unless such device indicates that U-turns are permissible;~~

~~—(C) In the streets or portions of streets described in schedule 12 of § 72.02.~~

(A) No driver shall turn any vehicle so as to proceed in the opposite direction except at a street intersection; and no vehicle shall make a U-turn even at street intersections:

(1) Within the business district;

(2) Where an official traffic control device is in operation, unless such device indicates that U-turns are permissible;

(3) In the streets or portions of streets described in schedule 12 of § 72.02.

(B) A violation of this section is punishable as an infraction.

Section 43. Section 70.48 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.48 LIMITATIONS ON BACKING

(A) The driver of a vehicle shall not back it into any intersection or over a crosswalk, and shall not in any event or at any place, back a vehicle unless such movement can be made in safety and he shall have given ample warning to those who may be behind, by hand, horn or other signal.

(B) A violation of this section is punishable as an infraction.

Section 44. Section 70.49 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.49 EMERGING FROM ALLEY, DRIVEWAY OR BUILDING

(A) The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk areas extending across any alleyway, and upon entering the roadway shall yield the right of way to all vehicles approaching on the roadway.

(B) A violation of this section is punishable as a misdemeanor.

Section 45. Section 70.50 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 70.50 COMPLIANCE WITH TRAFFIC CONTROL
DEVICES REQUIRED**

(A) Failure to observe any official traffic control device or signal or any authorized traffic control sign or marker, and failure to comply with the directions thereof, shall be unlawful.

(B) A violation of this section is punishable as an infraction.

Section 46. Section 70.51 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 70.51 OPERATION OF VEHICLES ON SIDEWALKS, PARKS, OR
OTHER CITY PROPERTY**

(A) It shall be unlawful for any person to operate any motor vehicle, as defined by G.S. § 20-4.01(23), including "mini-bikes", on any sidewalk, in parks, or other property owned or under the control of the city; provided, that nothing herein shall prohibit the operation of a registered motor vehicle on the public streets or highways in the city in accordance with the laws of the state, or upon property set aside for the use of motor vehicles; provided, however, that nothing herein shall prohibit the operation of a motor vehicle across sidewalks at a driveway to obtain ingress or egress to any lot or parcel of land served by such driveway.

(B) A violation of this section is punishable as an infraction.

Section 47. Section 70.52 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.52 OPERATION OF BICYCLES AND MOTORCYCLES

(A) The operator of a motorcycle or bicycle when upon a street shall not carry any person upon the handlebar, frame, or tank of any such vehicle, nor shall any person so ride upon any such vehicle.

- (B) No person shall ride a bicycle or motorcycle on any street without having both hands upon the handlebars.

(C) A violation of this section is punishable as an infraction.

Section 48. Section 70.53 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.53 USE OF PLAY VEHICLES RESTRICTED

- (A) It shall be unlawful for any person riding on a skateboard, roller skates, coaster, toy vehicle or similar device to ride any of such devices on the premises of the municipal buildings, on any of the facilities or structures located in Bicentennial Park, on any municipal parking facility, or to ride any such devices on any sidewalk or street located in the central business district of the city, as designated on the City Zoning Map as a B-3 District.
- (B) It shall be unlawful for any person riding on a skateboard, roller skate or any other toy vehicle to ride on a roadway except while crossing a street at a crosswalk or intersection; provided, that this section shall not apply upon streets set aside as play streets.
- (C) It shall be unlawful for any person to ride on a skateboard, roller skates, or any other toy vehicle on private property when signs are placed, erected, or installed giving notice that skateboarding, roller skating or riding any other toy vehicle is regulated, prohibited, or prohibited during certain hours, in that space or area.

(D) A violation of this section is punishable as an infraction.

Section 49. Section 70.54 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.54 CLINGING TO VEHICLES PROHIBITED

- (A) Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle shall not attach the same or himself to any public conveyance or moving vehicle upon any roadway.

(B) A violation of this section is punishable as an infraction.

Section 50. Section 70.55 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.55 RIDING IN SPACE NOT INTENDED FOR PASSENGERS PROHIBITED

- (A) No person shall ride on any public conveyance or other vehicle or any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in spaces intended for merchandise.

(B) A violation of this section is punishable as an infraction.

Section 51. Section 70.56 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.56 MANNER OF RIDING IN VEHICLES REGULATED

- (A) No person when riding shall allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except to give such signals as by law required, and no person shall hang on to any vehicle from the outside.

(B) A violation of this section is punishable as an infraction.

Section 52. Section 70.57 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.57 UNAUTHORIZED RIDERS

(A) No person shall enter, jump on or ride in any vehicle without the consent of the owner or driver.

(B) A violation of this section is punishable as an infraction.

Section 53. Section 70.58 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.58 BOARDING OR LEAVING VEHICLE WHILE IN MOTION PROHIBITED

(A) No person shall board or alight from any public conveyance or other vehicle while such conveyance or vehicle is in motion.

(B) A violation of this section is punishable as an infraction.

Section 54. Section 70.59 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.59 AVOIDANCE

(A) It shall be unlawful to drive across a sidewalk or through other property for the purpose of avoiding an official traffic-control device.

(B) A violation of this section is punishable as an infraction.

Section 55. Section 70.61 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 70.61 GOLF CARTS

(A) Unless the context requires otherwise, the definitions found in G.S. § 20-4.01 apply throughout this section. As specified in G.S. § 20-4.01(12a), a golf cart is a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour. The definition of golf cart is republished here for convenience only, and the definition set out in the North Carolina General Statutes, as amended from time to time, is controlling for all purposes.

(B) The operation of golf carts on designated public streets, roads, and highways within the corporate limits of the City of Asheboro in compliance with the provisions of this section is permitted; however, it shall be unlawful to operate any golf cart at any place or in any manner that is not authorized herein. Notwithstanding the immediately preceding sentence, the operation of golf carts is not subject to the provisions of this section under the following circumstances:

- (1)** The operation of golf carts at golf courses, private clubs, or on private property with the consent of the owner of the property;
- (2)** The operation of golf carts within gated or limited access communities unless the streets of the community are dedicated for public use and maintained by the city;
- (3)** The use of golf carts by city personnel for official business on property owned or leased by the city; and

- (4) The operation of golf carts in connection with a properly permitted parade or a street festival/special event so long as the person or entity in charge of the parade or event consents to the use of the golf cart, the golf cart is only used during the parade or event, and the public street, road, or highway upon which the golf cart is operated has been closed by order of the proper governmental authorities.
- (C) Golf carts may be operated on the following streets so long as such use of the public streets is conducted in full compliance with the provisions of this section:
 - (1) Deer Ridge Road.
 - (2) Grey Rabbit Run.
 - (3) Stable Brook Road.
 - (4) Stone Bridge Road.
 - (5) Fox Ridge Road.
 - (6) High Meadow Drive.
 - (7) Tot Hill Trail.
 - (8) Johns Ridge Drive.
 - (9) Maple Hill Court.
 - (10) Stonewall Court.
- (D) No person who is less than 16 years of age may operate a golf cart on any public street, road, or highway within the city. Additionally, it is unlawful for a person to operate a golf cart on any public street, road, or highway within the city without having in his or her possession a valid driver's license issued in accordance with the laws of North Carolina or another state.
- (E) No golf cart may be operated on any public street, road, or highway within the city unless the golf cart has been registered with the City of Asheboro Police Department. The registration shall be renewed thereafter in accordance with the provisions of this section. Upon successful completion of the registration process, a biennial permit shall be issued to the owner of the registered golf cart by the Asheboro Chief of Police or his or her designee, and this sticker shall be attached to the rear fender of the registered golf cart in a manner that will render the sticker readily observable to the occupant of a motor vehicle approaching the rear of the golf cart. At a minimum, this registration sticker shall display the registration number assigned to the golf cart and the sticker's expiration date. The type and format of registration sticker to be utilized on golf carts shall be developed and approved by the Asheboro Chief of Police. For purposes of administrative efficiency, the Chief of Police is hereby authorized to establish standardized pre-printed expiration dates for the registration stickers so long as each registration sticker is valid, as measured from the date of the physical issuance of the sticker, for a minimum duration of 24 calendar months.
- (F) An application to initially register or renew the registration of a golf cart shall be submitted on a form developed and approved by the Asheboro Chief of Police. At a minimum, the approved form shall obtain the owner's name, street address, mailing address, a contact number, and the make, model, and identification or serial number of the golf cart to be registered. Additionally, with the submission of the approved form, an applicant shall acknowledge the city's disclaimer of liability and notification of assumption of risk by the applicant for accidents involving the registered golf cart.
- (G) Prior to issuing the initial registration permit or any renewal thereof, a registration fee of \$25 per golf cart shall be collected by the police department, and the golf cart

shall be inspected by the Chief of Police or his or her designee to ensure compliance with the following standards:

- (1) The golf cart is equipped with a rear vision mirror and at least two red reflectors that are at least three inches in height and width on the rear of the golf cart;
 - (2) The golf cart is equipped with a reflective "slow moving vehicle" sign on the rear of the golf cart that conforms to generally accepted highway safety standards in North Carolina;
 - (3) The brakes provided by the manufacturer of the golf cart are in proper working order;
 - (4) The golf cart has all of the standard safety features provided by the manufacturer and has not been modified to exceed a speed of 20 miles per hour nor otherwise modified in any way that creates a hazard; and
 - (5) The golf cart is equipped with any other mechanical systems and safety equipment required for compliance with the provisions found in this section.
- (H) The registration of a golf cart may be denied or subsequently revoked by the Asheboro Chief of Police or his or her designee if it is determined that:
- (1) The submitted application contains any material misrepresentation;
 - (2) The golf cart is not in compliance with one or more of the requirements prescribed by this section;
 - (3) The golf cart has been altered or customized and no longer meets the definition of a "golf cart;" or
 - (4) Equipment installed by the manufacturer, specifically including without limitation safety equipment and the vehicle identification or serial number, has been removed from the golf cart.
- (I) It is unlawful to operate a golf cart on a public street designated for golf carts in any manner that fails to comply with the following requirements:
- (1) Only the number of people the golf cart was designed to seat may ride on the golf cart at any single point in time. By way of illustration and not limitation, passengers shall not be transported on the part of a golf cart designed to carry golf bags.
 - (2) A golf cart must not be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than 20 miles per hour.
 - (3) No golf cart may be operated in a careless and reckless manner.
 - (4) Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.
 - (5) Golf carts are permitted to operate on public streets only during daylight hours unless the cart is equipped with at least one operating headlight that has, at a minimum, a 55 watt halogen, or equal, bulb on the front of the golf cart and two operating tail lights on either side of the rear of the golf cart. If the lighting specified in the immediately preceding sentence is installed and operational, such a golf cart may operate for one hour before sunrise and one hour past sunset.

- (6) Golf carts must be operated in accordance with all applicable state and local laws and ordinances, including without limitation all laws, regulations, and ordinances pertaining to the possession and use of alcoholic beverages.
- (J) Notwithstanding any other provision in this section, golf carts that are operated on public streets for the limited purposes of (1) crossing the streets listed in division (C) at designated crossing points marked with signage installed by the city and/or (2) utilizing Tot Hill Trail in furtherance of golfing activities are exempt from the requirements prescribed by divisions (E), (F), (G), and (H).
- (K) All-terrain vehicles, 4-wheel utility vehicles, and other similar utility vehicles that are not manufactured for operation on a golf course as well as golf carts that have been modified so as to no longer conform with the prescribed definition of "golf cart" may not be registered under this section, and these types of vehicles are not permitted to operate on the public roads, streets, and highways within the city unless such vehicles are otherwise registered with and allowed under the motor vehicle laws of the State of North Carolina.
- (L) Golf carts are neither designed for nor manufactured to be used on public streets, and the City of Asheboro neither advocates nor endorses the golf cart as a safe means of travel on public streets, roads, and highways. Any person who operates or rides upon a golf cart on a public street, road, or highway within the city, or encourages others to use a golf cart owned by the individual for such purposes and activities, does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

(M) A violation of this section is punishable as an infraction.

Section 56. Section 70.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 70.99 **PENALTY**

Any violation of a section of this chapter that is specifically designated as an infraction shall be punishable as provided in G.S. § 14-4.

Section 57. Section 71.02 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.02 **STOPPING, STANDING, AND PARKING PROHIBITED
FOR CERTAIN PURPOSES**

~~No person shall stop, stand or park a vehicle upon any street for the principal purpose of:~~

~~(A) Displaying it for sale.~~

~~(B) Washing, greasing or repairing, except repairs necessitated by an emergency.~~

~~(C) The storing thereof by garages, dealers or any individuals such storage is not incident to the bona fide use and operation of such vehicle.~~

~~(D) Storage of any detached trailer or van when the towing unit has been disconnected, or for the purpose of transferring merchandise or freight from one vehicle to another.~~

~~(E) Advertising.~~

~~(F) Violation of this section is punishable as provided for in section 14-4 of the General Statutes of North Carolina for each separate violation. Each day any violation of this section shall continue shall constitute a separate offense. This section may be also enforced by any appropriate, equitable action.~~

(G) Any act constituting a violation of this section shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of a debt.

(A) No person shall stop, stand, or park a vehicle upon any street for the principal purpose of:

(1) Displaying it for sale;

(2) Washing, greasing, or repairing, except repairs necessitated by an emergency;

(3) The storing thereof by garages, dealers, or any individuals such storage is not incident to the bona fide use and operation of such vehicle;

(4) Storage of any detached trailer or van when the towing unit has been disconnected, or for the purpose of transferring merchandise or freight from one vehicle to another; or

(5) Advertising.

(B) Each separate violation of this section is punishable as an infraction. Each day any violation of this section shall continue shall constitute a separate offense. This section may be also enforced by any appropriate, equitable action.

(C) Any act constituting a violation of this section shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of a debt.

Section 58. Section 71.03 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 71.03 STOPPING, STANDING, AND PARKING PROHIBITED
AT CERTAIN LOCATIONS**

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following places:

(A) On a sidewalk.

(B) Within an intersection.

(C) On a crosswalk.

(D) Within 30 feet of any flashing beacon, stop sign or traffic control signal located at the side of a street or roadway.

(E) Underpass approaches. No vehicle shall park on either side of any street approaching a railroad underpass or overhead bridge or within 50 feet in any direction of the outer edge of such underpass or overhead bridge.

(F) Grade crossing approaches. No vehicle shall park on either side of any street approaching a grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited, if such parking does not interfere with the view in either direction of an approaching locomotive or train.

(G) Beside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(H) Upon any bridge or other elevated structure or within any underpass structure.

~~(I) Within 15 feet in either direction of the entrance to a hotel, theatre, hospital, sanatorium or any public building.~~

~~(J) On the roadway side of any vehicle standing or parked at the edge or curb of a street.~~

(A) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following places.

(1) On a sidewalk.

(2) Within an intersection.

(3) On a crosswalk.

(4) Within 30 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway.

(5) Underpass approaches. No vehicle shall park on either side of any street approaching a railroad underpass or overhead bridge or within 50 feet in any direction of the outer edge of such underpass or overhead bridge.

(6) Grade crossing approaches. No vehicle shall park on either side of any street approaching a grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited, if such parking does not interfere with the view in either direction of an approaching locomotive or train.

(7) Beside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

(8) Upon any bridge or other elevated structure or within any underpass structure.

(9) Within 15 feet in either direction of the entrance to a hotel, theatre, hospital, sanatorium, or any public building.

(10) On the roadway side of any vehicle standing or parked at the edge or curb of a street.

(B) A violation of this section is punishable as an infraction.

Section 59. Section 71.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.04 GENERAL PARKING REGULATIONS AND PROHIBITIONS

(A) General requirements. When parking a vehicle on a public street or highway within the city, every vehicle shall be parked parallel to the curb and with both front and rear wheels not more than 12 inches from the curb except where the street is marked for diagonal or angle parking. Parking space lines shall be observed so that the vehicle shall neither extend beyond the space marked for parking nor occupy, in whole or in part, more than one parking space. Except as noted in division (D) below, parking contrary to these general requirements is unlawful.

(B) Definitions. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARK OR PARKING. The standing of a vehicle, whether occupied or not, in any manner other than temporarily stopping for the purposes of avoiding conflict with other traffic, complying with the direction of a law enforcement officer or traffic control

sign or signal, or while actually engaged in loading or unloading.

STANDING.

Any stopping of a vehicle, whether occupied or not.

VEHICLE.

Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(C) Specific prohibitions for purposes of clarification and not limitation.

- (1) Parking within ten feet of a fire hydrant is prohibited.
- (2) Parking within a nonparking space is prohibited.
- (3) Diagonal parking with rear to curb is prohibited. This regulation shall not apply to vehicles while actually being loaded or unloaded; provided, that no unnecessary time for the loading or unloading shall be taken and traffic is not obstructed thereby. If the vehicle be horse-drawn, the horse or horses shall stand parallel to the curb and face the direction of traffic.
- (4) Parking to the left within the business district is prohibited, except upon one-way streets, in which case vehicles shall be parked headed in the direction of traffic.
- (5) Double parking is prohibited; that is to say, it is unlawful to park alongside another vehicle that is already parked parallel to the curb and thereby cause an obstruction.
- (6) The parking of a vehicle in the travel lane(s) of a public street or highway is expressly prohibited when such an action impedes the efforts of city forces and/or North Carolina Department of Transportation personnel to clear public streets and highways of snow, ice, or any other form of frozen precipitation. The parking of a vehicle in violation of this prohibition is unlawful and subjects the offending vehicle to removal and storage. The registered owner of the towed vehicle shall become liable for the removal and storage fees/charges. All of the post-towing procedures prescribed by G.S. Ch. 20, Article 7A apply.

(D) Exceptions and limitations to the general requirements:

- (1) Those worshipping at the First Presbyterian Church of Asheboro may for Sunday morning services diagonally park their vehicles on Walker Avenue. However, under no circumstances are any vehicles to be diagonally parked after 1:00 p.m. each Sunday.
- (2) This section shall apply only to vehicles on the streets, highways and other public places of the city, and shall have no application to any vehicle as long as it remains on private premises.

(E) A violation of this section is punishable as an infraction.

Section 60. Section 71.05 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.05 POSTING OF NO PARKING AREAS ON PRIVATE PROPERTY

- (A) Parking in violation of signs prohibited. No person shall stop, leave standing, or park a motor vehicle in the area specified in this section in violation of posted signs, when signs are placed, erected or installed giving notice that stopping, standing or parking is regulated, prohibited, or prohibited during certain hours, in that space or area.

- (B) Locations designated. The following locations are designated as "no parking" spaces: (Area and time of parking restrictions to be described--Schedule 17 of § 72.02).
- (C) Cost of signs. The cost of erecting or installing signs, and the cost of all necessary signs as determine by the Chief of Police shall be paid for by the individual requesting regulations.
- (D) Enforcement. The provisions of this section shall be enforceable in the same manner and in accordance with G.S. § 14-4. A violation of this section is punishable as an infraction.

Section 61. Section 71.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.06 PARKING WITHIN MARKED SPACES

- (A) On any street which is marked off with lines indicating the parking spaces for vehicles, vehicles shall be parked between such lines.
- (B) A violation of this section is punishable as an infraction.

Section 62. Section 71.07 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.07 PARALLEL PARKING; DISTANCE FROM CURB

- (A) Where not otherwise indicated in this chapter and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than 12 inches therefrom.
- (B) A violation of this section is punishable as an infraction.

Section 63. Section 71.08 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.08 PARKING AT LEFT CURBS

- (A) No vehicle shall stop with its left side to the curb in the business district, except that on one-way streets vehicles shall stop headed in the direction of traffic.
- (B) A violation of this section is punishable as an infraction.

Section 64. Section 71.09 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.09 WHEN STOPPING OF VEHICLES IN STREET PROHIBITED

- (A) No vehicle shall stop in any street except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of an authorized emergency vehicle, by the approach of a funeral or other procession which is given the right of way, by the stopping of a public conveyance or school bus, by the lowering of railway gates, by the giving of traffic signals, the passing of some other vehicle or a pedestrian, or by some emergency; and in any case covered by these exceptions such vehicles shall not stop so as to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection if stopping can be avoided with safety.
- (B) A violation of this section is punishable as an infraction.

Section 65. Section 71.10 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.10 STOPPING OR STANDING NOT TO INTERFERE WITH TRAFFIC

(A) No person shall stop a vehicle on any street so as to interrupt or interfere with the passage of traffic.

(B) A violation of this section is punishable as an infraction.

Section 66. Section 71.11 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.11 INTERFERENCE WITH PEDESTRIAN TRAFFIC ON SIDEWALKS AND CROSSWALKS

(A) Obstructing traffic by stopping or standing a vehicle across or on, in whole or in part, any sidewalk or crosswalk for pedestrians is prohibited.

(B) A violation of this section is punishable as an infraction.

Section 67. Section 71.12 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.12 NO PARKING AT ANY TIME; YELLOW CURBS

(A) When authorized signs are placed, erected or installed, giving notice that parking is prohibited at all times, or the curbing has been painted yellow in lieu of such signage, no person shall park a vehicle at any time upon all streets or parts of streets so designated.

(B) A violation of this section is punishable as an infraction.

Section 68. Section 71.13 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.13 COMPLIANCE WITH CHAPTER

(A) It shall be unlawful for any person to do any act prohibited by this chapter, specifically including without limitation parking in violation of the restrictions authorized by § 71.01. For the purposes of determining whether a person has complied with the parking restrictions authorized by § 71.01, the changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one continuous parking period.

(B) A violation of this section is punishable as an infraction.

Section 69. Section 71.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.16 PARKING SPACES RESERVED FOR BUS STOPS, TAXICAB STANDS AND OTHER SPECIFIED PURPOSES

(A) Those streets or parts of streets described in Schedule 5 of § 72.02 shall be reserved as stands for the specific purpose and at the exact location named therein, and no vehicle shall park therein except those for which the space or stand has been designated.

(B) A violation of this section is punishable as an infraction.

Section 70. Section 71.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.17 WHERE ANGLE PARKING REQUIRED

(A) Where an angle parking zone has been established on a street or portion of a street and described in Schedule 13 of § 72.02, vehicles shall be parked within the marked spaces at the indicated angle with the curb of either approximately 30°, 45°, 60°, or 90°. The provisions of this section of Chapter 71 shall not be deemed to be applicable to the parking authorized and regulated by § 71.04(a) of this chapter along Walker Avenue for persons attending Sunday morning services at the First Presbyterian Church of Asheboro.

(B) A violation of this section is punishable as an infraction.

Section 71. Section 71.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.18 PARKING WITHIN LOADING ZONES

(A) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of material within any place marked as a loading zone. In no case shall the stop for loading and unloading of materials exceed 20 minutes.

(B) A violation of this section is punishable as an infraction.

Section 72. Section 71.19 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.19 OVERTIME PARKING PROHIBITED

(A) Parking beyond the time limited by any authorized sign placard, erected or installed giving notice thereof is prohibited.

(B) A violation of this section is punishable as an infraction.

Section 73. Section 71.20 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.20 MANNER OF EMERGENCE FROM PARKING PLACES

(A) Cars parked shall move out in the direction in which they are headed, or if they are parked at any angle with the curb they shall back out on that angle until they have cleared the other cars and shall proceed in the direction they are most nearly headed in.

(B) A violation of this section is punishable as an infraction.

Section 74. Section 71.22 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.22 NO PARKING ALLOWED ON CERTAIN DAYS BETWEEN THE HOURS OF 7:00 A.M. AND 4:00 P.M. ALONG A CERTAIN PORTION OF WEST WALKER AVENUE

(A) With the exception of Saturdays, Sundays, and any calendar day when the Asheboro City Schools are not scheduled to be in session for students, no person shall park a vehicle between the hours of 7:00 a.m. and 4:00 p.m. upon any portion of the north side of West Walker Avenue that is situated between a point located 128 feet east from the center of South Park Street and a point located 376 feet east from the center of South Park Street.

- (B) With the exception of Saturdays, Sundays, and any calendar day when the Asheboro City Schools are not scheduled to be in session for students, no person shall park a vehicle between the hours of 7:00 a.m. and 4:00 p.m. upon any portion of the south side of West Walker Avenue that is situated between a point located 84 feet east from the center of South Park Street and a point located 686 feet east from the center of South Park Street; provided, however, the preceding prohibition of parking on the south side of West Walker Avenue shall not be deemed applicable to those vehicles engaged exclusively in the immediate and uninterrupted loading and unloading of passengers, materials, and cargo.
- (C) For the purpose of this section, the term **VEHICLE** shall be deemed to mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or street.
- (D) Upon the effective date of this section, the City Manager shall post the portions of West Walker Avenue specified in divisions (A) and (B) of this section with signs that are placed, erected, and/or installed in a manner designed to give notice of the prohibitions of parking specified by this section.

(E) A violation of this section is punishable as an infraction.

Section 75. Section 71.31 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.31 MARKED SPACES

(A) The City Manager is hereby directed to designate and mark off such individual parking spaces as he deems proper along the streets in the congested area for the parking of vehicles. At each place where individual parking spaces are so marked off, each vehicle shall be parked entirely within an individual parking space. When, in the opinion of the City Manager, any individual parking space no longer serves its intended purpose, he or she shall obliterate the markings thereof.

(B) A violation of this section is punishable as an infraction.

Section 76. Section 71.35 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.35 MOVING OF VEHICLE TO EVADE PARKING REQUIREMENTS

(A) No person shall move a vehicle from one parking space directly to another parking space within the same city block to evade parking regulations. The movement of a vehicle from one parking space directly to another parking space within the same block shall be deemed as a continuous parking period.

(B) A violation of this section is punishable as an infraction.

Section 77. Section 71.52 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.52 USE OF MARKED SPACE REQUIRED

(A) No motor vehicle shall be parked within any city parking lot except completely within a space therein marked and designated for the parking of a vehicle.

(B) A violation of this section is punishable as an infraction.

Section 78. Section 71.53 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.53 DAYS AND HOURS REGULATED

- (A) With the exception of Saturdays, Sundays, and legal holidays, the regulation of parking within city parking lots shall be effective and enforceable daily between the hours of 7:00 a.m. and 7:00 p.m.
- (B) Notwithstanding any other provision in this chapter, and pursuant to G.S. § 160A-302, as modified by Session Law 2012-105, the following supplemental regulations are applicable to the municipal parking lot that is accessed from South Church Street and is part of the Downtown Farmers' Market facility located at 134 South Church Street:
 - (1) The parking of motor vehicles, other than city-owned motor vehicles, in the Downtown Farmers' Market facility parking lot for a time period in excess of 24 consecutive hours is prohibited.
 - (2) On the days of the week when the Downtown Farmers' Market is in operation (Tuesday, Thursday, and Saturday), it is unlawful for any motor vehicle, other than city-owned motor vehicles, to be parked in the Downtown Farmers' Market facility parking lot between the hours of 4:30 a.m. and 6:00 a.m. With the exception of city-owned motor vehicles, any and all motor vehicles found in the parking lot of the Downtown Farmers' Market facility between the hours of 4:30 a.m. and 6:00 a.m. may be removed from the parking lot at the direction of a city police officer to a place of storage and the registered owner of the motor vehicle shall become liable for the removal and storage fees/charges.
 - (3) When a motor vehicle is towed pursuant to § 71.53(B)(2), the person or company that tows the motor vehicle at the request of a city police officer is responsible for collecting any removal/towing and storage fees. All of the post-towing procedures prescribed by G.S. Ch. 20, Art. 7A apply. If a court of competent jurisdiction finds that no probable cause existed for the towing of a motor vehicle, the city shall compensate the tower for the fees/charges that are directly attributable to the Asheboro police officer's direction to tow the motor vehicle from the parking lot.
 - (4) The parking regulations found in § 71.53(B) shall be prominently displayed at the vehicular entrance to the Downtown Farmers' Market facility parking lot by means of a sign that is no smaller than 24 inches by 24 inches.
 - (5) For purposes of interpreting this subsection, the definition of "motor vehicle" found in G.S. § 20-4.01 shall be the controlling definition.

(C) A violation of this section is punishable as an infraction.

Section 79. Section 71.54 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.54 VIOLATIONS

(A) It shall be unlawful and a violation of this subchapter for any person to park a motor vehicle in any space within a city parking lot other than in those spaces designated as parking spaces, or to park for a longer period of time within such designated spaces than indicated by any authorized sign placed, erected or installed; and any person violating any of the terms of this subchapter shall be guilty of an offense against this subchapter.

(B) A violation of this section is punishable as an infraction.

Section 80. Section 71.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 71.99 PENALTY

- (A) ~~In accordance with G.S. § 14-4, any person who violates an ordinance provision of this chapter regulating the operation or parking of vehicles shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50; Any violation of a section of this chapter that is specifically designated as an infraction shall be punishable as provided in G.S. § 14-4;~~ provided, however, any person found responsible for an infraction pursuant to the prima facie rule of evidence for the enforcement of parking regulations found in G.S. § 20-162.1 shall be subject to a penalty of not more than \$5.
- (B) There shall be an established civil penalty in the amount of \$5 for each violation specified in this chapter. This civil penalty may be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within the time period prescribed by this section. When the city receives proper payment of a parking ticket within seven days of the issuance of the ticket, the owner's liability thereunto shall be discharged. If payment is not received within seven days of the issuance of the parking ticket, such ticket shall be considered delinquent and shall be subject to an additional penalty of \$5 plus court costs necessary to insure collection. The parking citation shall have printed upon its face a statement that "payment is due within seven days from the date of issuance; failure to comply will result in an additional penalty of \$5 and court costs." Acceptance and payment of the additional penalty by the vehicle's owner shall be deemed a full and final release of any and all claims or right of action arising out of the parking violation.
- (C) The ordinance provisions in this chapter may be enforced by any one, all, or a combination of the remedies authorized by this section.
- (D) Each day's continuing violation of an ordinance provision in this chapter shall be a separate and distinct offense.

Section 81. Section 90.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 90.16 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE

- (A) It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the city any vehicle which has been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.
- (B) A violation of this section is punishable as a Class 3 misdemeanor as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 82. Section 91.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.06 INSPECTIONS AND PROHIBITION OF INTERFERENCE WITH ANIMAL CONTROL OFFICERS

- (A) Whenever it is necessary to make an inspection to enforce any of the provisions of this chapter, or other applicable law, or whenever an animal control officer has reasonable cause to believe that there exists in any building or upon any premises any violation of this chapter or other applicable law, the animal control officer is empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon them by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or an administrative search warrant or criminal search warrant is obtained as follows:

- (1) If such property is occupied, the animal control officer shall first present credentials to the occupant and request entry, explaining the reasons for the request; or
 - (2) If such property is unoccupied, the animal control officer shall first make a reasonable effort to locate the owner or other persons having control of the property, present proper credentials, and request entry, explaining the reasons for the request; and
 - (3) If entry is refused or cannot be obtained because the owner or other person having control or charge of the property cannot be found after due diligence, an animal control officer may obtain an appropriate warrant to conduct a search or inspection of the property or seizure on the property. Notwithstanding any other provision of this chapter, and so long as the animal control officer's actions are consistent with federal and state constitutional and statutory protections afforded to persons and their property, an animal control officer shall have the authority to enter upon any land to enforce the provisions of this chapter, specifically including the seizure of animals running at large or to take enforcement action due to any other violation of an applicable animal control law if the violation of such a law is being committed in the presence of the officer and requires immediate action on the part of the officer to protect the health or safety of the animal or the public. In the case of animals at large, so long as the animal is within sight of the officer, this section shall not be interpreted to require that a warrant be obtained before seizing the animal.
- (B) It shall be unlawful for any person to interfere with, hinder, resist, or obstruct employees of the Animal Control Unit while they are carrying out any duty created under this chapter or other applicable animal control law.
- (C) It shall be unlawful for any person to conceal from any employee of the Animal Control Unit any animal for the purpose of evading the requirements of this chapter or any other applicable animal control law.
- (D) It shall be unlawful for any person to refuse to show, upon request, proof of a required rabies inoculation to any employee of the Animal Control Unit.
- (E) It is unlawful for any person to seek to release, attempt to release, or to release any animal in the custody of the Animal Control Unit, except as otherwise specifically provided in this chapter. An animal captured in a trap set by the Animal Control Unit shall be deemed to be in the custody of the Animal Control Unit.
- (F) A violation of this section is punishable as a misdemeanor.

Section 83. Section 91.08 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.08 BIRD SANCTUARY CREATED

- (A) The territory embraced within the corporate limits of the city and all lands owned by the city outside of the corporate limits are hereby designated as a bird sanctuary.
- (B) Within the bird sanctuary established by division (A) of this section, it shall be unlawful for any person to intentionally hunt, kill, trap, or otherwise take any native wild birds.
- (C) Notwithstanding the provisions of divisions (A) and (B) of this section, the protection afforded to native wild birds within the established sanctuary does not extend to the following situations:
 - (1) No bird classed as a pest under G.S. Ch. 113, Art. 22A and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971 is protected;

- (2) A person may hunt, kill, trap, or otherwise take any bird pursuant to a permit issued by the North Carolina Wildlife Resources Commission under G.S. § 113-274(c)(1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use in taking birds within the city limits; and
- (3) The use of a firearm for hunting ducks and dark geese (includes Canada geese and white-fronted geese) is permitted at Lake Reese when such hunting is undertaken in compliance with § 91.10 of the Code of Asheboro.

(D) A violation of this section is punishable as a misdemeanor.

Section 84. Section 91.11 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.11 HUNTING PROHIBITED ON PROPERTY BEYOND THE CITY LIMITS

- (A) No person shall intentionally hunt, trap, or snare, with or without firearms, animals on any city-owned property that is located outside the city limits.
- (B) Notwithstanding division (A) of this section, the following activities are permitted on city-owned property located outside the city limits:
 - (1) Fishing that is conducted in accordance with all applicable federal, state, and local statutes, ordinances, and regulations, specifically including without limitation the regulations adopted by the city's Recreation Services Department, is permitted upon the waters of Lake Reese and Lake Lucas;
 - (2) Duck and dark geese (including Canada geese and white-fronted geese) hunting is permitted upon the waters of Lake Reese only during the date(s) and time(s) established by the City Council prior to the season opening each year; and
 - (3) City employees and/or contractors may hunt, trap, or snare animals in compliance with the adopted rules and regulations of the North Carolina Wildlife Resources Commission when such action is deemed necessary by the City Manager in order to ensure the safe and efficient operation of city-owned infrastructure.

(C) A violation of this section is punishable as a misdemeanor.

Section 85. Section 91.12 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.12 ABANDONED ANIMALS

- (A) It shall be unlawful for any person owning, possessing, or harboring an animal to abandon that animal.
- (B) If the Animal Control Unit finds that an animal has been abandoned, the animal may be impounded. If the animal has been abandoned in a house or within a fenced area, the Unit must make a reasonable effort to locate the owner or manager of the property. If the property owner or manager is not the animal owner, then the Unit shall secure permission to remove the animal from the person who occupies the property. If the person who occupies the property is the animal owner and cannot be located or refuses to give permission to remove the animal, the animal control officer shall secure an appropriate warrant to seize the animal.
- (C) An animal seized pursuant to this section shall be impounded as provided in § 91.07.

(D) A violation of this section is punishable as a misdemeanor.

Section 86. Section 91.13 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.13 WILD AND DANGEROUS ANIMALS

- (A) It is unlawful for any person to possess or harbor a wild and dangerous animal or their hybrids.
- (B) Wild and dangerous animals privately owned and maintained within the city limits on or before April 1, 2012 may remain in the city, but such wild and dangerous animals must be registered with the Animal Control Section of the Randolph County Health Department. Furthermore, at the time of registration, owners must submit a recapture plan in the event their animal escapes. Breeding or allowing the reproduction of wild and dangerous animals is prohibited.
- (C) Escapes of wild and dangerous animals must be immediately reported to 911 emergency communications.
- (D) Owners are liable for costs to agencies associated with the recapture of an escaped wild and dangerous animal.
- (E) In order for the owner of a wild and dangerous animal registered in compliance with division (B) of this section to lawfully house such an animal within the city, strict compliance must be maintained at all times with the following requirements:
 - (1) The enclosure housing the animal must securely contain the animal, including secondary containment from escape;
 - (2) The enclosure housing the animal must be adequately ventilated, cooled, heated, lighted, and constructed so that it may be kept in a clean and sanitary condition;
 - (3) The enclosure housing the animal must be compliant with the Asheboro Zoning Ordinance;
 - (4) The physical and psychological health and well-being of the animal must not be endangered by the manner of confinement;
 - (5) The keeper/caregiver must have adequate knowledge of the nutritional, physical, and behavioral needs of the species in his or her care; and
 - (6) The owner/caregiver must be able to identify the veterinarian providing medical care for the animal.

(F) A violation of this section is punishable as a misdemeanor.

Section 87. Section 91.14 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.14 EXOTIC REPTILES

- (A) Individuals must be greater than 18 years of age to own a venomous exotic reptile or an exotic reptile weighing in excess of 40 pounds.
- (B) Owners are required to report to 911 emergency communications any escapes of venomous exotic reptiles and exotic reptiles weighing in excess of 40 pounds.
- (C) It is unlawful for exotic reptiles to run loose unsupervised.
- (D) Owners are required to register venomous exotic reptiles with the Animal Control Section of the Randolph County Health Department which notifies 911 emergency

communications of the location of venomous reptiles in order to protect rescue workers and the public during any emergency situations.

- (E) Owners are liable for costs to agencies associated with the recapture of an escaped exotic reptile.

(F) A violation of this section is punishable as a misdemeanor.

Section 88. Section 91.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.15 EXOTIC MAMMALS

- (A) It is unlawful for any person to possess, sell, or harbor an exotic mammal or their hybrids.
- (B) Exotic mammals privately owned prior to any embargo or protection orders may remain in the city if so allowed by the order, but such animals must be registered with the Animal Control Section of the Randolph County Health Department.
- (C) Breeding or allowing the reproduction of exotic mammals is prohibited.

(D) A violation of this section is punishable as a misdemeanor.

Section 89. Section 91.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.16 ANIMAL BITE AND NOTIFICATION; RABIES CONTROL

- (A) It is unlawful for an animal to bite a human being who does not ordinarily reside on the premises of the animal unless the animal has been subject to provocation or unless the victim has been trespassing.
- (B) It is unlawful for a person to fail to report to the Animal Control Unit as soon as possible that an animal has bitten a person.
- (C) It is unlawful for any person to fail to inform the Animal Control Unit of the location to which an animal that has bitten a human being has been taken if the owner has given the animal away, or caused in any way the animal to be taken from the owner's premises.
- (D) The Animal Control Unit shall ensure that all bite notifications are forwarded to the Randolph County Health Department and shall fully cooperate, assist, and strictly comply with all of the rabies control measures required by all applicable state laws and regulations, the County Animal Control Ordinance, specifically including without limitation the county ordinance's quarantine and confinement/destruction measures, and any orders issued by the Randolph County Health Director.
- (E) In furtherance of the prevention component of rabies control, the following prevention measures are required. It is unlawful for an owner to fail to comply with the following requirements:
 - (1) In accordance with state law, the owner of every dog, cat, and ferret over four months of age shall have the animal vaccinated against rabies. The time or times of vaccination shall be established by the North Carolina Commission for Health Services, or any successor entity to this Commission;
 - (2) As required by G.S. § 130A-190(a), dogs and cats shall wear rabies vaccination tags at all times. The rabies vaccination tag shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C.," and the words "rabies vaccine;" and

- (3) Ferrets are not required to wear the rabies inoculation tags, but the owner of a ferret shall maintain the tag or the rabies vaccination certificate as written evidence to prove the ferret has a current rabies inoculation and shall produce such tag or certificate as requested by animal control and as otherwise required by law.

(F) **A violation of this section is punishable as a misdemeanor.**

Section 90. Section 91.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§91.18 NUISANCE ANIMALS

- (A) It is unlawful for any person to own, keep, possess, harbor, or maintain an animal or group of animals in such a manner as to unreasonably annoy humans, endanger the life or health of other persons or animals, or substantially interfere with the rights of other citizens to the enjoyment of life or property. By way of example and not of limitation, the following activities are hereby declared to be a public nuisance and are, therefore, unlawful:
 - (1) Allowing an animal to get into or turn over waste or garbage containers;
 - (2) Allowing an animal to repeatedly walk on or sleep on the automobile of another;
 - (3) Allowing an animal to damage the real or personal property of anyone other than its owner;
 - (4) Allowing an animal to repeatedly be or run at large;
 - (5) Maintaining an animal in an unsanitary condition so as to render the animal noxious or offensive to sight or smell;
 - (6) Not confining an animal to a building or secure enclosure while the animal is in estrus;
 - (7) Maintaining an animal that is vicious or failing to effectively prevent an animal from chasing, snapping at, attacking, or otherwise molesting others, including pedestrians, bicyclists, motor vehicle passengers, or domestic animals;
 - (8) Allowing or permitting an animal or group of animals to make frequent or long continued sounds, including barking, whining, screeching, calling, howling, or yowling in an excessive, continuous, habitual, or untimely fashion; or to make other noise in such a manner and at such intervals so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises (such sounds shall be collectively referred to as "annoying sound"). For illustrative purposes and without limitation, any such sound made by cats or dogs for more than 15 minutes during any 30-minute period shall be deemed to be an annoying sound. The normal clucking of chickens that are otherwise kept in accordance with the provisions of the Code of Asheboro shall not constitute an annoying sound. Any person owning, using, or possessing premises affected by an annoying sound ("person annoyed by sounds") shall follow the procedures specified in division (E) below;
 - (9) Housing or restraining an animal less than five feet from a public street, road, or sidewalk such that the animal, without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way, or the location of the animal poses a threat to the general safety, health, and welfare of the general public;
 - (10) Keeping an animal that is diseased and creating a threat to the public health; and

- (11) Keeping or maintaining an animal or group of animals in such a manner as to attract excessive insects, pests, rodents, raccoons, snakes, or other wild animals.
- (B) Upon the initiative of an animal control officer or upon receipt of a detailed complaint made to the Animal Control Unit by any of the city's residents that any person is maintaining a nuisance animal or animals, the Animal Control Unit may cause the owner of the animal or animals in question to be notified that a complaint has been received and may cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating animal control officer. Notwithstanding any other provision in this section, any person other than an animal control officer who wants to initiate a complaint pertaining to a nuisance animal or group of animals engaged in the activity described in division (A)(8) above shall follow the procedures specified in division (E) below.
- (C) If the written findings of the investigating animal control officer indicate that the complaint is justified, then the Chief or designee shall cause the owner or keeper of the animal or animals in question to be so notified in writing, served by personal delivery or by certified mail, return receipt requested, and ordered to abate such nuisance within a reasonable time that is not to exceed seven days after notification. A citation may, in the discretion of the Animal Control Unit, be issued at the same time for a violation of this chapter or any other animal control law. The Chief may specify the particular abatement measures that must be taken, which measures may include, but are not limited to, a requirement that the animal be penned or that a secure enclosure be erected or improved. In the event the owner of the animal is unknown and cannot be ascertained, the notice and order, along with a general description of the animal, shall be published in a local newspaper.
- (D) If any person actually or constructively receiving notice in the manner herein described shall fail or refuse to abate the nuisance upon order of the Chief within the specified time, the Chief may cause any of the remedies and enforcement measures authorized by this chapter to be utilized in order to bring about an abatement of the nuisance.
- (E) If a complaint pertains to annoying sound, the person annoyed by the sound shall follow the procedures specified below:
- (1) Upon receipt of a detailed written and signed complaint by the person annoyed by the sound, the Animal Control Unit shall provide written notice to the owner or possessor of the premises on which the animal(s) making an annoying sound is maintained ("animal owner") that a complaint has been received about the animal's (animals') annoying sound. The notice shall detail the complaint and may make suggestions on ways to correct the situation;
- (2) Upon receipt of such notice of complaint, the animal owner shall cure the violation. If the violation is not cured, or if a second complaint is made to the Animal Control Unit about the same animal(s) within any six-month period, the Animal Control Unit shall cause the animal owner to be served with an order to abate the annoying sound within a reasonable period of time, not to exceed seven days ("abatement order"). Such notice shall be served by personal delivery or by certified mail, return receipt requested; and
- (3) If the original complainant, or any other affected person notifies the Animal Control Unit that the animal owner has failed or refuses to abate the annoying sound as provided in the abatement order, the Animal Control Unit shall investigate and may utilize any of the remedies and enforcement measures authorized by this chapter to bring about an abatement of the nuisance.
- (F) Nothing in this section shall prevent a private citizen from bringing an action at any time against an animal owner.

(G) A violation of this section is punishable as a misdemeanor.

Section 91. Section 91.20 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.20 ANIMAL ABUSE PROHIBITED

- (A) All animals shall be kept and treated under sanitary and humane conditions, and it shall be unlawful for any owner to engage in one or more of the following acts:
- (1) Failing to provide adequate feed, water, and shelter for an animal;
 - (2) Confining an animal in a storage room, shed, or other building without proper ventilation and access to natural light;
 - (3) Failing to keep an animal under sanitary and humane conditions that promote the animal's health and general welfare and which maintain a condition of good order and cleanliness that reduces the possibility of the transmission of disease;
 - (4) Failing or refusing to provide adequate medical attention for any sick, diseased, or injured animal;
 - (5) Poisoning or exposing a domestic animal to any known poisonous substance or mixing a poisonous substance with food so that it will likely be eaten by a domestic animal. This prohibition does not include attempts or acts of persons to lawfully rid their own property of mice or rats or other vermin, nor does it include other acts permitted by the North Carolina Wildlife Resources Commission;
 - (6) Allowing a collar, rope, or chain to become embedded in or cause injury to an animal's neck, or allowing a choke or pinch collar to be used as a primary collar on an unsupervised animal;
 - (7) Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably, or having access to adequate food, water, and shelter; and
 - (8) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability, or death.
- (B) Subject to the following divisions that contain limitations and clarifications of the general prohibition found in this subsection, the tethering of one or more dogs as a method of keeping the dog(s) on the owner's or owners' property is unlawful:
- (1) The owner(s) may tether a dog or dogs for a reasonable period of time to allow for waste elimination;
 - (2) The owner(s) may tether a dog or dogs on a runner for a reasonable period of time to allow the dog(s) to exercise;
 - (3) The owner(s) may tether a dog or dogs during an emergency situation when such a situation is found by the animal control unit to have been caused by unique circumstances triggering an isolated occurrence as opposed to a repeat occurrence that provides evidence of a pattern of non-compliance with the city's anti-tethering regulations; and
 - (4) Notwithstanding any other provision in this chapter and without exception, the tethering of a dog on a 24-hour a day basis is unlawful. For the sole and limited purpose of evaluating the validity of the assessment of a civil penalty pursuant to the provisions found in this chapter, the observation by an animal

control officer of a tethered dog or dogs on the same property during the same approximate time of day (a variation in the time of day of no more than one hour shall be regarded as the same approximate time of day, e.g. observing a dog at 10:30 a.m. on one day and at 11:15 a.m. on the next day is considered to be the same approximate time of day) on consecutive calendar days shall be prima facie evidence that the observed dog(s) have been unlawfully tethered for 24 hours.

- (C) Nothing in this section shall be deemed to prohibit the following activities:
- (1) The humane transportation of horses, cattle, sheep, poultry, or other livestock in trailers or other vehicles designed, constructed, and adequate for the size and number of animals being transported;
 - (2) Nothing in this section shall be construed to prohibit the Animal Control Unit, law enforcement officers, employees of the Randolph County Health Department, or veterinarians from euthanizing dangerous, unwanted, injured, or diseased animals in a humane manner; and
 - (3) Nothing in this section shall be construed to prohibit slaughterhouses or medical facilities from the proper, humane, and lawful carrying out of their activities or duties.
- (D) The Animal Control Unit shall have the authority to conduct inspections of pet shops, kennels, dealers, or breeders, to the extent not preempted by state law, in order to determine if there is any abuse of animals. It shall be unlawful for any owner or employee of any pet shop or kennel or any dealers or breeders to violate this section.

(E) A violation of this section is punishable as a misdemeanor.

Section 92. Section 91.21 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.21 PROHIBITION OF DOMESTIC ANIMALS AT LARGE

(A) It is unlawful for the owner of any domestic animal to allow such animal to be or run at large in the city or on any city property.

(B) A violation of this section is punishable as a misdemeanor.

Section 93. Section 91.23 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.23 RESPONSIBILITY FOR ANIMALS ON PUBLIC PROPERTY AND THE PROPERTY OF OTHERS

~~It shall be unlawful for the owner or custodian of an animal to fail to remove feces deposited by the animal on either of the following types of property:~~

- ~~—(A) Any public street, sidewalk, gutter, park, or other publicly owned property; or~~
~~—(B) Any property owned or legally controlled by another person or entity that has not given permission for entry onto the property by the animal that defecated on the property.~~

(A) It shall be unlawful for the owner or custodian of an animal to fail to remove feces deposited by the animal on either of the following types of property:

- (1) Any public street, sidewalk, gutter, park, or other publicly owned property; or
- (2) Any property owned or legally controlled by another person or entity that has not given permission for entry onto the property by the animal that defecated on the property.

(B) A violation of this section is punishable as a misdemeanor.

Section 94. Section 91.24 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.24 MAXIMUM NUMBER OF DOGS ON PREMISES

- (A) It shall be unlawful for any person to keep or maintain more than three dogs per household on any parcel of land or zoning lot having less than 30,000 square feet, and an additional 7,000 square feet shall be required for each additional dog. A total of no more than five dogs per household shall be allowed on any parcel of land or zoning lot within the city limits regardless of square footage.
- (B) The limitation prescribed by this section on the number of dogs per household on a single parcel of land or zoning lot shall not apply to dogs that are less than six months of age.
- (C) Notwithstanding the preceding provisions, and subject to the limitation that, on or after April 1, 2012, no new or additional dogs that would increase or perpetuate the noncompliance of a household with this section may be kept or maintained in a household, any dog lawfully kept or maintained as part of a household located within the corporate limits of the City of Asheboro prior to April 1, 2012 may continue to be kept or maintained as part of the same household for the remainder of the dog's life.

(D) A violation of this section is punishable as a misdemeanor.

Section 95. Section 91.25 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.25 MAXIMUM NUMBER OF CATS ON PREMISES

- (A) It shall be unlawful for any person to keep or maintain more than three cats per household on any parcel of land or zoning lot having less than 30,000 square feet, and an additional 7,000 square feet shall be required for each additional cat. A total of no more than five cats per household shall be allowed on any parcel of land or zoning lot within the city limits regardless of square footage.
- (B) The limitation prescribed by this section on the number of cats per household on a single parcel of land or zoning lot shall not apply to cats that are less than six months of age.
- (C) Notwithstanding the preceding provisions, and subject to the limitation that, on or after April 1, 2012, no new or additional cats that would increase or perpetuate the noncompliance of a household with this Section may be kept or maintained in a household, any cat lawfully kept or maintained as part of a household located within the corporate limits of the City of Asheboro prior to April 1, 2012 may continue to be kept or maintained as part of the same household for the remainder of the cat's life.

(D) A violation of this section is punishable as a misdemeanor.

Section 96. Section 91.26 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.26 KEEPING SWINE

- (A) Except as provided in division (B) of this section, it shall be unlawful for any person to keep any hogs, pigs, or swine within the city limits.
- (B) A person may have or keep no more than two miniature or potbellied pigs per household within the corporate limits of the city if the following conditions are satisfied:
 - (1) The miniature or potbellied pig(s) must be provided with adequate shelter to protect the pig(s) from the elements.

- (2) Any and all miniature or potbellied pigs kept or maintained in the City of Asheboro must be spayed or neutered.
- (3) The owner of the miniature or potbellied pig(s) shall provide the pig(s) with access to food and clean water. Active measures shall be taken to limit the availability of this food and water to rodents, wild birds, and predators.
- (4) If an outdoor pen or enclosure is utilized, the dimensions of such a pen or enclosure must be no less than 10 feet by 12 feet for one pig or no less than 16 feet by 16 feet for two pigs.
- (5) No outdoor pen or enclosure, including without limitation fencing, used for sheltering or confining a miniature or potbellied pig is permitted within 30 feet of any property line or public street right-of-way line, and no such outdoor pen or enclosure may be located within 100 feet of a hospital, school, eating establishment, or dwelling other than the dwelling of the owner of the miniature or potbellied pig. These separation requirements are in addition to and not in lieu of the land use regulations prescribed by the Asheboro Zoning Ordinance. No provision in this chapter shall be construed or interpreted in any manner that preempts or impacts the application of the land use regulations found in the Asheboro Zoning Ordinance.
- (6) A pen or enclosure used for sheltering or confining a miniature or potbellied pig shall be kept clean, sanitary, and free from accumulations of animal excrement that cause an objectionable odor. Such a pen or enclosure shall be cleaned at least twice each week. All waste material removed from a pen or enclosure used to shelter the miniature or potbellied pig shall be disposed of in a manner that is lawful, does not attract flies, and prevents any detectable odor at the property or street right-of-way line.
- (7) All food kept for feeding the miniature or potbellied pig(s) shall be kept and stored in rat-free and rat- proof containers, compartments, or rooms unless kept in a rat- proof building.

(C) A violation of this section is punishable as a misdemeanor.

Section 97. Section 91.27 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.27 KEEPING OF DOMESTIC FOWL

- (A) Up to two chicken hens or other fowl may be kept by a household within the corporate limits of the City of Asheboro so long as the fowl do not, by reason of noise, odor, or attraction of flies, become a nuisance or health hazard.
- (B) Between three and eight chicken hens or other fowl may be kept on any single lot or parcel in the city if the following conditions are satisfied:
 - (1) The fowl shall not be permitted to run at large and must be maintained in a coop or enclosure of suitable construction and size for the number of fowl maintained in the enclosure.
 - (2) The fowl must be provided with adequate shelter for protection from the elements.
 - (3) The owner of the fowl shall provide the animal with access to food and clean water. Active measures shall be taken to limit the availability of this food and water to rodents, wild birds, and predators.
 - (4) No outdoor coop or enclosure used for keeping fowl is permitted within 30 feet of any property line or public street right-of-way line, and no such outdoor coop or enclosure may be located within 100 feet of a hospital, school, eating establishment, or dwelling other than the dwelling of the owner of the

fowl. These separation requirements are in addition to and not in lieu of the land use regulations prescribed by the Asheboro Zoning Ordinance. No provision in this chapter shall be construed or interpreted in any manner that preempts or impacts the application of the land use regulations found in the Asheboro Zoning Ordinance.

- (5) A coop or enclosure used for keeping fowl shall be kept clean, sanitary, and free from accumulations of animal excrement that cause an objectionable odor. Such a pen or enclosure shall be cleaned at least twice each week. All waste material removed from a pen or enclosure used for keeping fowl shall be disposed of in a manner that is lawful, does not attract flies, and prevents any detectable odor at the property or street right-of-way line.
- (6) All food kept for feeding the fowl shall be kept and stored in rat-free and rat-proof containers, compartments, or rooms unless kept in a rat-proof building.
- (C) Due to the excessive noise created by the following animals, the keeping of roosters and geese is prohibited within the corporate limits of the City of Asheboro.

(D) A violation of this section is punishable as a misdemeanor.

Section 98. Section 91.28 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 91.28 KEEPING OF HORSES, MULES, DONKEYS, COWS,
 AND GOATS REGULATED**

- (A)** It shall be unlawful for any person who owns, operates, or maintains a stable or enclosure in the city, in which horses, mules, donkeys, cows, or goats are kept, to keep such stable in an unclean or unsanitary condition. The person who owns, operates, or maintains such a stable or enclosure shall be responsible for providing for use within the stable or enclosure a bin or pit which shall be watertight and so arranged that it is fly-proof, or, alternatively, shall provide a watertight barrel with a close-fitting lid. Manure accumulating in such stable shall be placed in the bin, pit, or barrel each day and shall be removed from the premises of the owner at least every five days. Effective fly control methods such as the use of approved insecticide shall be practiced during the fly-breeding period from April 15 to November 1 of each year. All food kept for feeding the livestock shall be kept and stored in rat-free and rat-proof containers, compartments, or rooms unless kept in a rat-proof building.

(B) A violation of this section is punishable as a misdemeanor.

Section 99. Section 91.29 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 91.29 LOCATION OF STABLES; TETHERING OF HORSES, MULES,
 DONKEYS, COWS, OR GOATS**

- (A)** No person shall locate or maintain upon any lot within the city any horse, mule, donkey, cow, or goat stable nearer than 150 feet to any hospital, school, eating establishment, or dwelling; nor shall any person tether or permit to graze or stand any horse, mule, donkey, cow, or goat within 50 feet of any such place.

(B) A violation of this section is punishable as a misdemeanor.

Section 100. Section 91.30 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 91.30 ANIMALS PROHIBITED AT RANDOLPH ARTS GUILD'S
 ANNUAL FALL FESTIVAL**

- (A)** It is unlawful for any person to possess any animal(s) within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival, and it is also unlawful for any person with an animal within the public areas of the city

that are actively utilized for the Randolph Arts Guild's Annual Fall Festival to fail to obey the command of a law enforcement officer or an animal control officer to remove such an animal from the area in which animals are prohibited by this section. Furthermore, except as provided by this section, it shall be unlawful for any person to actively encourage or facilitate the entry or continued presence of any animal(s) within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival.

- (B) Notwithstanding any other provision to the contrary, the prohibition of animals by this section is not applicable to the following animals:
- (1) Any assistance animal that is trained and/or may be used to assist a person with a disability, specifically including without limitation a HANDICAPPED PERSON as defined in G.S. § 168-1. The term ASSISTANCE ANIMAL is not limited to a dog and includes any animal trained to assist a person with a disability.
 - (2) Any law enforcement/public safety agency animal that is trained and may be used to assist a law enforcement/public safety officer in the performance of the officer's official duties.
- (C) The public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival are the streets, sidewalks, and public vehicular areas that fall within the perimeter demarcated by the closure, upon order of the City Council, of Fayetteville Street from Salisbury Street to Kivett Street; North Street at Salisbury Street; Sunset Avenue at Church Street; Worth Street, Scarboro Street, East Academy Street, and Cranford Street at Cox Street; and West Academy Street at the entrance to the city parking lot.
- (D) The prohibition of animals from public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival is only in effect during those times when the Fall Festival is scheduled to be in actual operation.
- (E) The City Manager shall cause notices of the prohibition of animals from public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival to be prominently posted at the location of the street closures listed in division (C) above.

(F) A violation of this section is punishable as a misdemeanor.

Section 101. Section 91.32 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 91.32 REMEDIES AND PENALTIES

- (A) The Animal Control Unit must have ample authority to impose preventive measures, seize, and impound animals. Escalating fees and other sanctions authorized within this section are measures that have been adopted to protect the citizens of Asheboro and to declare that the ownership of animals entails publicly related responsibilities. When there is a violation of this chapter, the Chief may take one or more of the courses of action set forth in this section. The Chief may cause a complaint to be filed or any action to be brought on behalf of the city. Any such action shall be cumulative and shall not be deemed to be a bar to or a waiver of the right to institute any other civil or criminal proceeding for a violation of this chapter.
- (B) Any person who violates the provisions of this chapter is guilty of a misdemeanor as provided by G.S. § 14-4 and shall be fined not more than \$500. Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00. Payment of a fine imposed in a criminal proceeding initiated pursuant to this chapter does not relieve a person of his or her liability for fees imposed by this chapter or any other law or ordinance, specifically including without

limitation fees imposed by the County Animal Control Ordinance as a consequence of the impoundment of an animal at the animal shelter.

- (C) Pursuant to and consistent with G.S. § 160A-175, enforcement of the provisions found in this chapter may include any appropriate equitable remedy, injunction, or order of abatement issuing from a court of competent jurisdiction.
- (D) In addition to or in lieu of any criminal penalties and other sanctions provided in this chapter and any other applicable law, ordinance, or regulation, a violation of the provisions found in this chapter may also subject the offender to the civil penalties hereinafter set forth:
 - (1) An animal control officer may issue to the owner or possessor of any animal, or any other violator of this chapter, a written warning or a civil penalty citation giving notice of the alleged violation(s). Written warnings or civil penalty citations so issued may be served on the person charged with a violation by means of personal delivery by the animal control officer or mailed by certified or registered mail, return receipt requested, to the last known address of the person charged;
 - (2) Civil penalties shall be paid in full to the Asheboro Police Department within 15 business days of the receipt of the civil penalty citation that gives notice of the penalty that is due and payable. The civil penalty is in addition to any other costs or fees imposed by this chapter or any other law or ordinance, specifically including without limitation fees imposed by the county animal control ordinance as a consequence of the impoundment of an animal at the Animal Shelter;
 - (3) In the event that the owner or possessor of an animal or other violator of this chapter does not pay the applicable civil penalty within the prescribed time period, a civil action may be commenced to recover the penalty and costs associated with the collection of the penalty. The Chief, or the Chief's designee, is expressly authorized to initiate and prosecute small claims actions in District Court to collect civil penalties and fees owed to the city as a consequence of violation(s) of this chapter. The Chief may call on the City Attorney for assistance as needed. In lieu of pursuing a civil action to collect the civil penalty, a criminal summons may be issued against the violator for violating this chapter, and, upon conviction, the violator shall be punished in accordance with state law for the misdemeanor offense of violating this chapter; and
 - (4) In order to encourage responsible conduct, an owner shall be subject to escalating penalties for each violation of this chapter by the owner, regardless of whether the animal is the same animal, a different animal, or various animals belonging to the same owner. Each violation of this chapter within a rolling 12-month period shall subject the owner to the following escalating civil penalties:

<i>Offense</i>	<i>Civil Penalty Amount</i>
1 st	\$35.00
2 nd	\$50.00
3 rd	\$100.00
4 th and Subsequent Offenses	\$150.00

- (E) Each violation of a specific provision of this chapter is considered a separate offense for purposes of this section.
- (F) Each day that a specific violation occurs is considered a separate offense for purposes of this section.
- (G) In addition to the above-listed remedies, domestic animals may be seized and impounded when found at large or as otherwise provided in this

chapter. Furthermore, if conditions pose an immediate threat to the health or safety of the animal or the public, the animal control unit is authorized to seize and impound an animal. By way of clarification and not limitation, any animal deemed to be abused in violation of § 91.20 shall be evaluated by the animal control unit for signs of an immediate threat to the health or safety of the animal, and if such a threat is found to exist, the animal shall be seized in addition to any other remedies and penalties authorized by this section. When an animal is seized, the following steps, at a minimum, must be taken:

- (1) The Animal Control Unit, or some other person designated by the Chief, shall enter into a seized animal registry maintained by the Police Department a description of the animal that includes at least the breed, color, and sex of such animal and whether the animal was impounded or processed in some other manner; and
 - (2) Upon seizing an animal, a notice of seizure shall be left with the owner or affixed to the premises. If an animal is not from a particular premises but has an identification tag, the animal control officer shall cause a prompt and reasonable effort to be made to locate and notify the animal's owner.
- (H) Notwithstanding any other provision of this chapter, an animal that cannot be reasonably seized, retrieved, humanely trapped, or tranquilized may be humanely destroyed in the field upon the authorization of the Chief; provided, however, an animal attacking a human being or pet may be summarily destroyed if, in the opinion of animal control, such destruction is necessary for the protection of life or property or for the public health and safety.
- (I) Nothing in this chapter shall be construed to prevent law enforcement officers of any kind from enforcing any of the provisions of this chapter or from exercising their authority as law enforcement officers.
- (J) Nothing in this chapter shall prevent a private citizen from bringing an action to abate a nuisance or from bringing an action for damage, loss, or injury to the private citizen or his or her property resulting from an animal being a nuisance.

Section 102. Section 92.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.04 HUMAN REMAINS TO BE BURIED IN CEMETERY

(A) It shall be unlawful for any person to bury or assist in burying the dead body of any human being within the city, except in such public or church cemeteries as are duly established and in use as cemeteries.

(B) A violation of this section is punishable as a misdemeanor.

Section 103. Section 92.13 of the Code of Asheboro is hereby rewritten to provide as follows:

§92.13 PROHIBITED CONDUCT

(A) It shall be unlawful for any person to do anything to disturb the quiet and good order of any cemetery or burial place by noise or conduct of any kind except such noise and conduct as is customary or necessary in cemeteries.

(B) A violation of this section is punishable as a misdemeanor.

Section 104. Section 92.14 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.14 DISTURBANCE OF BURIAL SERVICES

(A) It shall be unlawful for any person to do anything to disturb or interfere with any burial services that may be held in any cemetery.

(B) A violation of this section is punishable as a misdemeanor.

Section 105. Section 92.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.15 INJURY TO TREES AND SHRUBS

(A) It shall be unlawful for any person to wantonly cut, break, destroy or in any way injure any tree, shrub, flowers, grass or plant growing or placed on any plot or in any other part of any cemetery. Also, flowers shall be removed from the ground by the plat owners two weeks before Easter of each year (flowers may remain on the headstones).

(B) A violation of this section is punishable as a misdemeanor.

Section 106. Section 92.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.16 DEPOSIT OF TRASH PROHIBITED

(A) It shall be unlawful for any person to walk dogs that are leashed or unleashed, throw, deposit, bring and leave any trash, filth, offensive or unclean matter or substance in any cemetery.

(B) A violation of this section shall be punishable as a misdemeanor.

Section 107. Section 92.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.17 DISTURBANCE OF GRAVE MARKERS, WALLS AND ENCLOSURES

(A) It shall be unlawful for any person to in any way disturb, mutilate, deface, injure or remove any stone marking any grave, or any wall or enclosure around any grave in or about any cemetery.

(B) A violation of this section shall be punishable as a misdemeanor.

Section 108. Section 92.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 92.18 CEMETERIES NOT TO BE USED AS PLAYGROUNDS

(A) It shall be unlawful for any person to use or permit the use of any cemetery as a playground or for play, and it shall be the duty of all police officers and other employees of the city, so far as it lies within their power, to prevent such use, and to eject any and all offenders against this section from the cemetery, if the person shall continue to violate this section after being warned to stop.

(B) A violation of this section is punishable as a misdemeanor.

Section 109. Section 92.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 92.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 110. Section 95.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 95.01 ADOPTION OF THE NORTH CAROLINA FIRE PREVENTION CODE

- (A) Generally. This chapter of the Code of Asheboro shall be referred to as the City of Asheboro Fire Prevention Ordinance. For the purpose of prescribing regulations governing conditions that are hazardous to life and property because of fire and explosion, the North Carolina Fire Code, current edition, adopted by the North Carolina Building Code Council is hereby adopted and made applicable within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city as the City of Asheboro Fire Prevention Ordinance. A copy of the North Carolina Fire Code is on file in the office of the Chief Fire Inspector for the city.
- (B) Appendices. The following appendices to the North Carolina Fire Code, current edition, are hereby adopted and made applicable within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city as part of the City of Asheboro Fire Prevention Ordinance:
- (1) Appendix B - Fire-Flow Requirements for Buildings.
 - (2) Appendix C - Fire Hydrant Locations and Distribution.
 - (3) Appendix F - Hazard Ranking.
 - ~~(4) Appendix H - Test Requirements for Flame Retardant Chemicals Used on Christmas Trees.~~
- (C) Permits. In addition to any and all permits mandated by the North Carolina Fire Code, the following operational permits, which are listed as optional within the North Carolina Fire Code, are hereby mandated within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city as part of the City of Asheboro Fire Prevention Ordinance:
- (1) Open Burning.
 - (2) Open Flames and Torches.
 - (3) Places of Assembly.
- (D) Amendments. When adopted and published by the North Carolina Building Code Council, amendments to the provisions of the North Carolina Fire Code that are adopted as part of the City of Asheboro Fire Prevention Ordinance shall be applicable within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city on the effective date prescribed for the amendment(s) by the North Carolina Building Code Council.

Section 111. Section 95.02 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 95.02 BURNING OF LEAVES, BRUSH, AND TRASH

- (A)** Except as authorized by this section, the burning of leaves, brush, trash, or any other refuse is prohibited within the corporate limits. The burning of brush for the purpose of clearing a large open area is permitted if, and only if, the proper permit has been

issued by the Fire Prevention Bureau in accordance with all applicable laws, specifically including without limitation the air quality laws.

(B) A violation of this section is punishable as a misdemeanor.

Section 112. Section 95.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 95.04 COMPLIANCE

(A) Compliance with the provisions of the City of Asheboro Fire Prevention Ordinance, specifically including the North Carolina Fire Code, shall be enforced by the City of Asheboro Fire Prevention Bureau. Failure to comply with any of the regulations prescribed by this chapter, specifically including without limitation the adopted regulations found in the North Carolina Fire Code, shall be unlawful. Any and all remedies authorized by law for noncompliance with the Fire Prevention Ordinance and the North Carolina Fire Code, including without limitation the issuance of civil penalty citations, may be exercised for the purpose of obtaining compliance with the applicable laws and regulations.

(B) A violation of this section is punishable as a misdemeanor.

Section 113. Section 95.07 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 95.07 REMEDIES AND PENALTIES

(A) *Citations.* After a final notice of violation has been issued and a reinspection reveals that a violation has not been corrected, the person(s) or legal entity(ies) responsible for the violation(s) may be issued a civil penalty citation for each offense. On and after the date of the reinspection conducted subsequent to the service of the final notice of violation, the offender will be guilty of an additional and separate offense for each day that a violation continues uncorrected, and each offender that receives a civil penalty citation is subject to a cumulative penalty for each and every offense. A single civil penalty citation issued on the date of a reinspection may assess the sum of the civil penalties incurred by the violator for each day that a violation went uncorrected during the time period specified in the civil penalty citation. If the recipient of a civil penalty citation fails to pay the specified penalty within ten business days of the date of service of the civil penalty citation by means of personal service or by means of certified mail, return receipt requested, the city may initiate a civil action in the nature of debt in order to recover the civil penalties assessed against the offender. The amount of the civil penalty per offense shall be calculated as follows:

(1) *Non-life safety.* The civil penalty for each non-life safety offense that is uncorrected as of the date of the post final notice of violation reinspection shall be \$50 per offense on and after the date of service of a civil penalty citation by means of personal service or certified mail, return receipt requested. This penalty of \$50 per offense shall continue to accrue until the earlier of either the date upon which the offender notifies the Fire Prevention Bureau of the correction of the violation or the calendar day immediately preceding the date of the first reinspection conducted after the issuance of a civil penalty citation. If the violation that triggered the first civil penalty citation has not been corrected as of the date of this reinspection, the civil penalty for each continuing non-life safety offense shall be \$100 per offense from the date of service on the offender of a civil penalty citation reflecting the enhanced penalty by means of personal service or certified mail, return receipt requested, to the date on which the Fire Prevention Bureau is notified of the correction of the violation.

(2) *Life safety other than occupancy violations and blocked exits.* Except for occupancy violations and blocked exits, the civil penalty for each life safety offense that is uncorrected as of the date of the post final notice of violation reinspection shall be \$150 per offense on and after the date of service of a civil

penalty citation by means of personal service or certified mail, return receipt requested. This penalty of \$150 per offense shall continue to accrue until the earlier of either the date upon which the offender notifies the Fire Prevention Bureau of the correction of the violation or the calendar day immediately preceding the date of the first reinspection conducted after the issuance of a civil penalty citation. If the violation that triggered the first civil penalty citation has not been corrected as of the date of this reinspection, the civil penalty for each continuing life safety offense shall be \$300 per offense from the date of service on the offender of a civil penalty citation reflecting the enhanced penalty by means of personal service or certified mail, return receipt requested, to the date on which the Fire Prevention Bureau is notified of the correction of the violation.

- (3) *Life safety - occupancy violations.* If an inspector discovers overcrowding of a building, or a portion thereof, on more than one occasion during a rolling 12-month period, the offender with ownership/managerial responsibility for the building shall be subject to the immediate assessment of civil penalties. The person or entity receiving such a civil penalty citation shall be subject to the continuing immediate assessment of civil penalties for overcrowding until a 12-month time period has passed without any violations pertaining to overcrowding. The amount of the civil penalty for overcrowding shall be \$100 per person in excess of the occupant load prescribed by the North Carolina Fire Code. No civil penalty shall be assessed pursuant to this division unless the offender has been previously served with a written warning for overcrowding within the relevant 12-month period by means of personal service or by means of certified mail, return receipt requested. None of the provisions found within this section shall be construed or deemed to prevent an inspector in the Fire Prevention Bureau from immediately exercising any authority that he or she may possess under the applicable laws to summarily abate overcrowding.
- (4) *Life safety - locked, blocked, or obstructed exits.* If an inspector discovers locked, blocked, or obstructed exits on more than one occasion during a rolling 12-month period, the offender with ownership/managerial responsibility for the building under inspection shall be subject to the immediate assessment of civil penalties. The person or entity receiving such a civil penalty citation shall be subject to the continuing immediate assessment of civil penalties for locked, blocked, or obstructed exits until a 12-month time period has passed without any violations pertaining to exits. The amount of the civil penalty for life safety violations pertaining to exits shall be \$500 per locked, blocked, or obstructed exit. No civil penalty shall be assessed pursuant to this section unless the offender has been previously served with a written warning for locking, blocking, or obstructing an exit within the relevant 12-month period by means of personal service or by means of certified mail, return receipt requested. None of the provisions found within this section shall be construed or deemed to prevent an inspector in the Fire Prevention Bureau from immediately exercising any authority that he or she may possess under the applicable laws to summarily correct a locked, blocked, or obstructed exit.
- (B) *Criminal offense.* Any person who violates the provisions of the City of Asheboro Fire Prevention Ordinance, including without limitation the adopted provisions of the North Carolina Fire Code, is guilty of a misdemeanor as provided by G.S. § 14-4 and shall be fined not more than \$500. Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. 14-4, with a maximum fine of no more than \$500.00.
- (C) *Equitable remedy.* The City of Asheboro Fire Prevention Ordinance, including without limitation the adopted provisions of the North Carolina Fire Code, may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- (D) *Availability of combination of remedies.* The City of Asheboro Fire Prevention Ordinance, including without limitation the adopted provisions of the North Carolina Fire Code, may be enforced by any one, all, or a combination of the remedies

authorized and prescribed herein. No provision within the Fire Prevention Ordinance shall be construed to impair or limit the ability of a fire inspector to take any otherwise lawful enforcement or abatement action available to the inspector for the purpose of abating a situation or condition that poses an imminent threat to life and safety.

- (E) *Responsible parties.* The owner, tenant, and occupant of any building or land or part thereof and any architect, builder, contractor, agent, or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition in violation of the City of Asheboro Fire Prevention Ordinance, including without limitation the adopted provisions of the North Carolina Fire Code, may be held responsible for such violation(s) and are subject to the penalties and remedies herein provided.
- (F) *Appeals.* In accordance with G.S. § 160A-434 160D-1127, an appeal from any order or decision of an inspector in the City of Asheboro Fire Prevention Bureau pertaining to the North Carolina State Building Code, which includes the North Carolina Fire Code, shall be taken within a period of ten days after the issuance of the contested order or decision to the Commissioner of Insurance or his or her designee or other official specified in G.S. § 143-139.
- (G) *Exceptions.* Notwithstanding any other provision in this chapter, the enforcement mechanisms prescribed by this section are subject to the following exceptions:
- (1) The city will not initiate a civil action in the nature of debt against the State of North Carolina or any of its political subdivisions in order to recover assessed civil penalties. No other remedy authorized by this section for a violation of the Asheboro Fire Prevention Ordinance is impaired or limited by this exception.
- (2) When violations discovered by an inspector in the City Fire Prevention Bureau are categorized as either life safety - occupancy violations or life safety - locked, blocked, or obstructed exits violations, the inspector may immediately issue a civil penalty citation that provides the offender with a written warning or assesses a civil penalty in the amount prescribed by § 95.07(A)(3) for occupancy violations or by § 95.07(A)(4) for violations pertaining to the obstruction of exits. No final notice of violation or any other type of notice specified in § 95.06 is required prior to the issuance of a civil penalty citation for violating occupancy limits or obstructing exits.

Section 114. Section 96.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 96.15 PROHIBITED NOISES GENERALLY

(A) Subject to the provisions of this chapter, the creation of any unreasonably loud, disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(B) A violation of this section is punishable as a misdemeanor.

Section 115. Section 96.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 96.16 NOISES EXPRESSLY PROHIBITED

Noises resulting from the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of § 96.15, but such enumeration shall not be deemed to be exclusive, namely:

(A) Horns, signaling devices, and the like. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(B) Gongs and sirens. The use of any gong or siren upon any vehicle other than a police, fire or other emergency vehicle.

(C) Radios, phonographs, and the like.

(1) The playing of any radio, television, phonograph or musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence.

(2) The playing of any radio, television, phonograph or musical instrument in such a manner or with such volume as to disrupt and detrimentally impact the ability of a business, commercial, or professional establishment to conduct its lawful and proper operations.

(D) Animals and birds. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(E) "Rattletraps" and overloaded vehicles. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(F) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(G) Exhausts from engines, and the like. The discharge into open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(H) Compressed air devices. The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

(I) Work on buildings. The erection, including excavation, demolition, alteration or repairing of any building in a residential section or business district other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the building inspector, which permit may be renewed for a period of three days or less while the emergency continues.

(J) Noises near schools, hospitals, and the like. The creation of any excessive noise on any street adjacent to any school, institution of learning, library or sanitarium, or course while in session, or within 150 feet of any hospital, which unreasonably interferes with the operation of such institution; provided, that conspicuous signs are displayed in such streets indicating that they are streets upon which such institutions are located.

(K) Church services. The creation of any excessive noise on Sunday on any street adjacent to any church; provided, that conspicuous signs are displayed in such streets adjacent to churches indicating that they are streets upon which churches are located.

(L) Loading and unloading vehicles, and the like. The creation of loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates or containers.

(M) Bells and gongs. The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.

(N) Hawkers and peddlers. The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(O) Drums and attention attracting devices. The use of a drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance or show, or sale or display of merchandise.

(P) Loud speakers or amplifiers on vehicles. The use of any mechanical loud speakers or amplifiers on trucks or other vehicles for advertising or other purposes.

(Q) Stationary loud speakers and amplifiers. The use of any loud speaker or amplifier to east or disseminate sound over the neighborhood in such volume or of such character as to annoy or disturb persons on other premises.

(R) Garages and service stations. The conducting, operating or maintaining of any garage or filling station in or in close proximity to any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

(S) Guns, firecrackers, and the like. The firing or detonation of squib, firecracker, gun powder or other combustible or explosive substance in the streets or elsewhere for the purpose of making noise or disturbance.

(A) Noises resulting from the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of § 96.15, but such enumeration shall not be deemed to be exclusive, namely:

(1) Horns, signaling devices, and the like. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) Gongs and sirens. The use of any gong or siren upon any vehicle other than a police, fire or other emergency vehicle.

(3) Radios, phonographs, and the like.

(a) The playing of any radio, television, phonograph or musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence.

(b) The playing of any radio, television, phonograph or musical instrument in such a manner or with such volume as to disrupt and detrimentally impact the ability of a business, commercial, or professional establishment to conduct its lawful and proper operations.

(4) Animals and birds. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(5) "Rattletraps" and overloaded vehicles. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(6) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(7) Exhausts from engines, and the like. The discharge into open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) Compressed air devices. The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

(9) Work on buildings. The erection, including excavation, demolition, alteration or repairing of any building in a residential section or business district other

than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the building inspector, which permit may be renewed for a period of three days or less while the emergency continues.

- (10) Noises near schools, hospitals, and the like. The creation of any excessive noise on any street adjacent to any school, institution of learning, library or sanitarium, or course while in session, or within 150 feet of any hospital, which unreasonably interferes with the operation of such institution; provided, that conspicuous signs are displayed in such streets indicating that they are streets upon which such institutions are located.
- (11) Church services. The creation of any excessive noise on Sunday on any street adjacent to any church; provided, that conspicuous signs are displayed in such streets adjacent to churches indicating that they are streets upon which churches are located.
- (12) Loading and unloading vehicles, and the like. The creation of loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates or containers.
- (13) Bells and gongs. The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.
- (14) Hawkers and peddlers. The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.
- (15) Drums and attention-attracting devices. The use of a drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance or show, or sale or display of merchandise.
- (16) Loud speakers or amplifiers on vehicles. The use of any mechanical loud speakers or amplifiers on trucks or other vehicles for advertising or other purposes.
- (17) Stationary loud speakers and amplifiers. The use of any loud speaker or amplifier to cast or disseminate sound over the neighborhood in such volume or of such character as to annoy or disturb persons on other premises.
- (18) Garages and service stations. The conducting, operating or maintaining of any garage or filling station in or in close proximity to any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.
- (19) Guns, firecrackers, and the like. The firing or detonation of squib, firecracker, gun powder or other combustible or explosive substance in the streets or elsewhere for the purpose of making noise or disturbance.

(B) A violation of this section is punishable as a misdemeanor.

Section 116. Section 96.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 96.99 **PENALTY**

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 117. Section 97.03 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 97.03 **PERMIT REQUIRED**

(A) No person shall engage or participate in, aid, form, start, or direct any parade unless a permit shall have been obtained from the City Manager.

(B) A violation of this section is punishable as a misdemeanor.

Section 118. Section 97.10 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 97.10 PROHIBITED ACTIVITIES

(A) No person participating in a parade shall, under any circumstances, carry any firearm or other weapon or device which is calculated to or may inspire terror.

(B) No person participating in a parade shall be accompanied by any dog or other animal unless the permit which has been issued for such parade specifically provides therefor.

(C) A violation of this section is punishable as a misdemeanor.

Section 119. Section 97.11 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 97.11 INTERFERENCE PROHIBITED

(A) No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person or vehicle participating or used in a parade.

(B) A violation of this section is punishable as a misdemeanor.

Section 120. Section 97.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 97.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 121. Section 98.02 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 98.02 REQUIRED SAFETY EQUIPMENT AT ASHEBORO SKATE PARK

(A) It shall be unlawful for any person to ride, operate, or utilize in any manner a skateboard or inline skates, specifically including sneakers or other types of shoes with one or more wheels embedded in each shoe's sole, on the premises of the Asheboro Skate Park unless such a person is wearing a helmet, elbow pads, and kneepads in strict compliance with the instructions provided by the manufacturer of the safety equipment.

(B) The City Manager, in consultation with the city police department and the Recreation Services Department, shall cause signage to be erected on the premises of the Asheboro Skate Park in order to provide notice of the safety equipment requirements imposed by this section.

(C) A violation of this section is punishable as a misdemeanor.

Section 122. Section 98.03 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 98.03 FAILURE TO VACATE RENTED RECREATION FACILITIES

- (A) It is unlawful for any person to occupy or otherwise utilize in any manner a facility managed by either the City of Asheboro Cultural Services Department or the City of Asheboro Recreation Services Department, specifically including by way of illustration and not limitation shelters in city parks and the Rotary Pavilion at Bicentennial Park, when signage displayed at such a facility indicates that the facility is rented and documentation from either the Cultural Services Department or the Recreation Services Department authorizing the use of the facility by another individual, group, or entity is displayed to the person(s) attempting to unlawfully occupy or utilize the facility.
- (B) In accordance with G.S. § 14-4, any person who violates this section is guilty of a Class 3 misdemeanor and is subject to a fine of not more than \$500. A violation of this section is punishable as a misdemeanor.

Section 123. Section 98.04 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 98.04 PROHIBITION OF ACTIVITIES THAT DAMAGE
CITY PROPERTY**

- (A) It is unlawful to engage in any action on the premises of a park or facility administered by the city's Cultural Services Department or Recreation Services Department that has not been explicitly approved by either of these departments as sanctioned cultural or recreational programming and has the effect of damaging the city's real or personal property. By way of illustration and not limitation, an activity that would fall within the scope of this prohibition is the use of a shovel or spade to disturb the ground in response to an alert signal from a metal detector. It is not the intent of this section, and the text of this section shall not be interpreted in any manner, that reduces or impairs the ability of the city to pursue civil actions to recover damages and/or seek the prosecution of individuals for committing criminal offenses such as trespass, injury to personal property, and injury to real property.
- (B) A violation of this section is punishable as a misdemeanor.

Section 124. Section 98.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 98.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 125. Section 99.03 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.03 INTERFERENCE WITH BARRICADES; DRIVING
ON BARRICADED STREET**

- (A) It shall be unlawful to tear down any poles, plank or other material erected as a blockade or barricade to close streets under construction, or erected for other purposes by authority of the City Council or City Manager.
- (B) It shall be unlawful for any person to operate an automobile, truck or other vehicle upon any street that has been blockaded or barricaded by authority of the City Council or City Manager, except as may be authorized by this Code.
- (C) A violation of this section is punishable as a misdemeanor.

Section 126. Section 99.10 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.10 OBJECTS OVER OR UPON SIDEWALK

(A) It shall be unlawful for any person to hang, put, erect, project, suspend or in any manner place or maintain or permit to remain any sign, or thing of like nature, over, on or upon any sidewalk of the city or the curbing thereof, whether of wood, cloth, or of whatever material made or constructed, alongside, or however placed, which shall be less than seven feet above such sidewalk or which shall, in any manner whatsoever, impede, delay, incommode, endanger or inconvenience pedestrians in the free and uninterrupted use of such sidewalk or any part thereof, or in passing to and from the sidewalk to the street; provided, that this shall not be construed to apply to awnings.

(B) A violation of this section is punishable as a misdemeanor.

Section 127. Section 99.13 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.13 BUILDING MATERIALS ON STREETS AND SIDEWALKS

(A) It shall be unlawful for any person to place building materials on any of the streets or sidewalks of the city in such a way or manner that such streets or sidewalks are obstructed or blocked thereby.

(B) A violation of this section is punishable as a misdemeanor.

Section 128. Section 99.14 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.14 SCAFFOLDING AND PASSAGEWAYS DURING
BUILDING OPERATIONS**

(A) It shall be unlawful for any person to build scaffolding on any of the streets or sidewalks of the city in such a way or manner that such streets or sidewalks are obstructed or blocked thereby. Before building or remodeling at any place which is in close proximity to the sidewalk an overhead covered passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

(B) A violation of this section is punishable as a misdemeanor.

Section 129. Section 99.15 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.15 PLACING MATERIALS IN STREET OR ALLEY OR
UPON SIDEWALK**

(A) It shall be unlawful for any person to place in any street or alley or upon any sidewalk any boxes, casks, barrels, crates or other like obstruction. Each day such obstruction is permitted to remain in any street or alley or upon any sidewalk after the person responsible therefor has been notified to remove such obstruction shall constitute a separate offense.

(B) A violation of this section is punishable as a misdemeanor.

Section 130. Section 99.16 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.16 ALLOWING MERCHANDISE TO REMAIN ON SIDEWALK OR
STREET AFTER 7:00 P.M.**

(A) It shall be unlawful for any person to allow any goods, wares, merchandise or any article for sale to remain on the sidewalks in such manner as to obstruct the free

passage of the sidewalks. It shall be unlawful for any person to allow any goods, wares, merchandise or other articles of trade to remain on the streets of the city after 7:00 p.m.

(B) A violation of this section is punishable as a misdemeanor.

Section 131. Section 99.17 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.17 OBSTRUCTIONS IN ALLEYWAYS WHICH INTERFERE WITH
FIRE-FIGHTING EQUIPMENT**

- (A) It shall be unlawful to obstruct in any manner whatsoever any alleyway, whether dedicated to public use or not, used by the public as a means of egress or ingress from or to any property located within the fire limits of the city, to such an extent that such obstruction would prevent, impede or delay the moving of fire trucks or other fire-fighting equipment to or from such property.
- (B) The provisions of division (A) of this section shall not prevent the use of such alleyways for temporary parking if such temporary parking is for the purpose of loading or unloading goods, wares, merchandise or other articles in the ordinary course of business and trade.
- (C) The provisions of division (A) of this section shall not prevent the erection of permanent structures or buildings upon such alleyways by the owners thereof if such owners otherwise have the right to erect such structures or buildings.

(D) A violation of this section is punishable as a misdemeanor.

Section 132. Section 99.25 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.25 PERMIT REQUIRED

(A) It shall be unlawful for any person to dig any hole, ditch or excavation of any kind whatsoever on any street in the city without having first secured a permit.

(B) A violation of this section is punishable as a misdemeanor.

Section 133. Section 99.27 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 99.27 PERMIT REQUIRED FOR REMOVAL OF SAND, DIRT,
OR STONE**

(A) It shall be unlawful for any person to, remove any sand, dirt or stone from any street, road or sidewalk in the city without having first secured a permit therefor.

(B) A violation of this section is punishable as a misdemeanor.

Section 134. Section 99.29 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.29 PLANKS AND ROPES AT EXCAVATION SITES

(A) It shall be unlawful for any person making any excavation for any purpose whatsoever in a street or sidewalk of the city to fail to cover such excavation securely with plank or to place ropes around the excavation three feet from the ground.

(B) A violation of this section is punishable as a misdemeanor.

Section 135. Section 99.30 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 99.30 LIGHTS AT EXCAVATION SITES

(A) It shall be unlawful for any person making any excavation for any purpose whatsoever in any street or sidewalk of the city to fail to place a sufficient number of orange lights around such excavation before dark and to keep such lights burning all night during every night such excavation shall be open.

(B) A violation of this section is punishable as a misdemeanor.

Section 136. Section 99.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 99.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 137. Section 100.04 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 100.04 GENERAL RETAIL SALES

(A) The conduct of general retail sales or commercial activities in a residential district as designated in the zoning ordinance is, except as is otherwise expressly authorized in this chapter, prohibited.

(B) A violation of this section is punishable as a misdemeanor.

Section 138. Section 100.05 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 100.05 NUMBER AND TIME LIMITATIONS

(A) A yard sale shall not be conducted on any premises more than twice in a 12-month period.

(B) Each of the two yard sales may be for two consecutive weekends or 72 hours each whichever is the lesser and only during daylight hours.

(C) A violation of this section is punishable as a misdemeanor.

Section 139. Section 100.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 100.06 SIGNS

(A) Except as provided below, signs used in conjunction with a yard sale shall be displayed only on the premises upon which the yard sale is conducted.

(B) Two off-site directional signs may be permitted provided that the premises upon which the yard sale is conducted is not located on a major thoroughfare, and written permission to erect said signs is received from the property owners on whose property such signs are to be placed.

(C) Signs may be displayed only during the hours the sale is actively being conducted and must be removed at the close of the yard sale activities, or by the end of daylight, whichever first occurs each day.

(D) No signs may be placed in the public right-of-way.

(E) A violation of this section is punishable as a misdemeanor.

Section 140. Section 100.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 100.99 PENALTY

~~Any person conducting any yard sale who shall violate any of the terms and regulations of this chapter, upon conviction, shall be guilty of a misdemeanor and shall be fined not more than \$50 or imprisoned for not more than 30 days as provided by G.S. § 14-4.~~

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$50.00.

Section 141. Section 130.01 of the Code of Asheboro is hereby rewritten to provide as follows:

**§ 130.01 REGULATION OF USE OF FIREARMS OR ANY DEVICE
DESIGNED OR USED TO PROJECT PELLETS, ARROWS, OR
OTHER PROJECTILES**

- (A) Subject to the exceptions listed in division (B), it is unlawful for a person to discharge any pistol, rifle, gun, or other type of firearm within the city or within the boundary lines of any city-owned property that is located beyond the city limits.
- (B) The prohibition listed above in division (A) does not apply to the following situations:
- (1) The discharge of a firearm at a shooting gallery or range that is operating in compliance with the Asheboro Zoning Ordinance.
 - (2) The discharge of a firearm by a sworn law enforcement officer.
 - (3) The discharge of a firearm by a person in self-defense, in the lawful defense of others, in the lawful defense of property, pursuant to lawful directions of law enforcement officers, and/or pursuant to a duty established by federal, state, or local statute or ordinance, specifically including by way of illustration and not limitation the discharge of a firearm by a duly appointed animal control officer or his or her designee.
 - (4) Upon receipt of written permission from the Chief of Police or his or her designee, blank cartridges may be discharged during historical reenactments, military or similar displays, or during theatrical, athletic, or like performances. Such written permission from the Chief of Police or his or her designee cannot be granted unless and until the applicant establishes that the proposed activity for which the use of blank cartridges is requested will occur with the consent of the property owner and in compliance with the city's noise ordinance and zoning ordinance.
 - (5) A person 21 years of age or older may use an exploding device or similar scare device for the purpose of dispersing birds, fowl, or other wildlife on the condition that the device does not have the capacity to physically harm such bird, fowl, or other wildlife and on the additional condition that the use of the device conforms with all federal and state laws as well as the regulations adopted by the North Carolina Wildlife Resources Commission. The person utilizing such a device shall exercise due care in the use of the device so as not to cause injury to persons or damage to another person's property. Prior to the utilization of such a device, the person using the device shall notify his or her adjacent property owners (or lessees) and the Asheboro Police Department of the intended use of such a device, including the location, the date, and the approximate time of day of such use. Such a device shall not be used between the hours of 11:00 p.m. and 8:00 a.m. on any day of the week.

- (6) The use of a firearm for hunting ducks and dark geese (includes Canada geese and white-fronted geese) is permitted at Lake Reese when such hunting is undertaken in compliance with Chapter 91 of the Code of Asheboro.
- (C) Subject to the exceptions listed in division (D), it is unlawful for a person to shoot or project any arrow, shot, pellet, stone, rock, or other hard substance by means of a bow, air rifle, pellet gun, paintball gun, popgun, slingshot, bean shooter, or other similar type of device or contrivance within the city or within the boundary lines of any city-owned property that is located beyond the city limits.
- (D) The prohibition listed above in division (C) is subject to the following exceptions:
 - (1) Archery is permitted at an archery range that is operating in compliance with the Asheboro Zoning Ordinance.
 - (2) The discharge of air rifles, pellet guns, paintball guns, and similar devices is permitted at shooting galleries or ranges that are operating in compliance with the Asheboro Zoning Ordinance.
 - (3) Activities undertaken by a person in self-defense, in the lawful defense of others, in the lawful defense of property, pursuant to lawful directions of law enforcement officers, and/or pursuant to a duty established by federal, state, or local statute or ordinance, specifically including by way of illustration and not limitation the use of a device that would otherwise fall within the scope of division (C) by a duly appointed animal control officer or his or her designee.
- (E) A violation of this section is punishable as a misdemeanor.

Section 142. Section 130.03 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.03 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN CERTAIN LOCATIONS

- (A) *Consumption of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume a malt beverage or unfortified wine on any public street, sidewalk, or alley in the city; or on any other property owned, occupied, or controlled by the city.
- (B) *Possession of open containers of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess open container(s) of malt beverages and unfortified wines on any public street, sidewalk, or alley in the city; or on any other property owned, occupied, or controlled by the city. For the purposes of this section, an **OPEN CONTAINER** means a container whose seal has been broken or a container other than the manufacturer's unopened original container.
- (C) *Possession of malt beverages and unfortified wines on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.* It shall be unlawful for any person to possess any malt beverage or unfortified wine on any public street, alley, or parking lot which has been temporarily closed to regular traffic for a special event.
- (D) *Possession and consumption of fortified wine, spirituous liquor, and mixed beverages.* The possession or consumption of fortified wine, spirituous liquor, or mixed beverages is hereby prohibited on property owned or leased by the city.
- (E) *Exceptions.* Notwithstanding the prohibitions prescribed by the above-listed divisions of this section, the following acts shall not be deemed to be unlawful.
 - (1) The possession or consumption of alcoholic beverages by either a sworn law enforcement officer acting in the performance of his or her official duties or a

person acting under the immediate and direct supervision of a sworn law enforcement officer discharging his or her official duties.

- (2) The possession or consumption of malt beverages at McCrary Park as part of collegiate or professional baseball events hosted by legal entities with whom the City of Asheboro has entered into a lease agreement for the use of McCrary Park; provided, however, any such malt beverages found within McCrary Park must have been obtained in accordance with a sale/distribution plan developed and implemented by the hosting of legal entity in compliance with all applicable laws and administrative regulations.
- (3) The possession or consumption of unfortified wine and malt beverages on the premises of the Sunset Theatre and Bicentennial Park facilities, including without limitation the Rotary Pavilion. The possession or consumption of unfortified wine and malt beverages on these premises will be lawful only if such possession or consumption is conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation the regulations adopted by the city for these facilities that are part of the municipal cultural and recreation services system, inclusive of any and all sale/distribution plans specified by the City of Asheboro Cultural and Recreation Services Policy Manual.
- (4) The possession of unfortified wine on the premises of the Downtown Farmers' Market facility. The possession of unfortified wine on these premises will be lawful only if such possession occurs as part of the retail sale by an approved Downtown Farmers' Market vendor of unfortified wine for off-premise consumption. The retail sale of unfortified wine shall be conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation the regulations prescribed for the Downtown Farmers' Market in the City of Asheboro Cultural and Recreation Services Policy Manual.
- (5) The possession or consumption of unfortified wine and malt beverages on the premises leased to the nonprofit North Carolina Aviation Museum and Hall of Fame, Incorporated (these premises are shown as Hangar G and Hangar L on Schedule C of the Asheboro Regional Airport) during events conducted by the nonprofit corporation. The sale or service of wine and malt beverages must be conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation any laws and regulations pertaining to either alcoholic beverage control or the operation of the airport by the Asheboro Airport Authority.
- (F) ~~Penalties. Any person who violates the prohibitions prescribed by divisions (A), (B), and (C) above shall be guilty of a misdemeanor in accordance with G.S. § 14-4. A violation of this section is punishable as a misdemeanor.~~

Section 143. Section 130.05 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.05 AGGRESSIVE SOLICITATION PROHIBITED

(A) *Definitions.* For purposes of this section:

(1) **AGGRESSIVE MANNER.** Includes:

- (a) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
- (b) Following the person being solicited, if that conduct is: intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession:

or is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

- (c) Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or, is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
 - (d) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's Constitutional right to picket or legally protest, and acts authorized by a permit issued pursuant to [Chapter 97](#) of the Code of Asheboro shall not constitute obstruction of pedestrian or vehicular traffic;
 - (e) Intentionally or recklessly using obscene or abusive language or gestures: intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or, words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or
 - (f) Approaching the person being solicited in a manner that: is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or, is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.
- (2) **AUTOMATED TELLER MACHINE.** A device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.
 - (3) **AUTOMATED TELLER MACHINE FACILITY.** The area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.
 - (4) **PUBLIC AREA.** An area to which the public or a substantial group of persons has access and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.
 - (5) **SOLICIT.** To request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.
- (B) *Prohibited acts.* It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:
- (1) In an aggressive manner in a public area;
 - (2) Within 15 feet of any entrance or exit of any bank or within 15 feet of any automated teller machine during the hours of operation of such bank or automated teller machine without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine

facility, such distance shall be measured from the entrance or exit of the automated teller machine facility; or

- (3) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property.

(C) ~~Penalty. If any person shall violate this section, he or she shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500 in accordance with G.S. § 14-4.~~

(C) A violation of this section is punishable as a misdemeanor.

(D) *Construction and severability.*

- (1) Severability is intended throughout and within the provisions of the section. If any sentence, clause, or phrase of this section is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this section.
- (2) This section is not intended to ~~prescribe~~ proscribe any demand for payment for services rendered or goods delivered.
- (3) This section is not intended to create a result through enforcement that is absurd, impossible or unreasonable. The section should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of North Carolina or the Constitution of the United States of America.

Section 144. Section 130.06 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.06 PUBLIC URINATION AND DEFECATION PROHIBITED

(A) Except in designated water closets or toilet facilities, it shall be unlawful for any person to urinate or defecate on any public place, sidewalk, street, alleyway or right-of-way, or in any public building, or on private property. Having the permission of the owner or person in lawful possession of the real property shall constitute an affirmative defense to the charge of urinating or defecating on private property. Any person who violates this section shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.

(B) A violation of this section is punishable as a misdemeanor.

Section 145. Section 130.07 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.07 ALL-TERRAIN VEHICLES PROHIBITED ON CITY-OWNED LANDS

- (A) The act of operating any motorized all-terrain vehicle on city-owned real property is hereby prohibited and declared to be unlawful.
- (B) For the purpose of this section, ***MOTORIZED ALL-TERRAIN VEHICLE*** is a two or more wheeled vehicle designed for recreational off-road use.
- (C) This section is not applicable to employees and contractors of the City of Asheboro, law enforcement officers, firefighters, rescue personnel, emergency medical services personnel, and emergency management personnel acting in the course and scope of their official duties.

(D) A violation of this section is punishable as a misdemeanor.

Section 146. Section 130.08 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.08 CURFEW ESTABLISHED FOR PARKS

- (A) A curfew shall be in effect between the hours of 11:00 p.m. and 6:00 a.m. in each of the following parks and recreation areas:
- (1) Asheboro Memorial Park, including Nance Little League Field and Thomas Tennis Center;
 - (2) North Asheboro City Park;
 - (3) Frazier Park;
 - (4) Westwood Park;
 - (5) Hammer Memorial Park;
 - (6) Mini-park at Cross and Brewer Streets;
 - (7) Athletic field at Brewer, Tucker, and Watkins Streets;
 - (8) Park Street Park located on South Park Street;
 - (9) Kiwanis Park off Meadowbrook Road;
 - (10) City ball fields on Farr Street;
 - (11) McCrary Ball Field;
 - (12) Pugh Little League Field on Country Club Drive;
 - (13) Bicentennial Park; and
 - (14) Asheboro Skate Park.
- (B) No person shall be deemed guilty of violating the curfew if such a person is present in one of the parks and recreation areas specified in division (A) above within 30 minutes of the official conclusion of an event conducted in the parks and recreation areas with the approval of the Asheboro Parks and Recreation Department.
- (C) ~~Anyone found guilty of violating the curfew shall be guilty of a misdemeanor punishable under the General Statutes of the State of North Carolina. A violation of this section is punishable as a misdemeanor.~~

Section 147. Section 130.09 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 130.09 REGULATION OF SKATEBOARDS AND INLINE SKATES

- (A) Subject to division (B) below, it shall be unlawful for any person riding on a skateboard or inline skates to ride any such device on the premises of facilities or lands owned in fee simple or leased by the city.
- (B) Skateboards and inline skates may be utilized within designated areas of the Asheboro Skate Park in accordance with Chapter 98 of the Code.
- (C) This section shall not be construed to authorize any activity involving skateboards, roller skates, coasters, toy vehicles, or similar devices that is prohibited by § 70.53.
- (D) A violation of this section is punishable as a misdemeanor.

Section 148. Section 130.99 of the Code of Asheboro is hereby enacted to provide as follows:

§ 130.99 PENALTY

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

Section 149. Section 150.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.01 FIRE LIMITS

Pursuant to G.S. § 160A-435 160D-1126, the primary fire limits of the City of Asheboro are hereby established and defined as follows:

Beginning at a point in the center of the intersection of Salisbury Street (North Carolina Highway 42) and North Fayetteville Street; thence south along the center line of Fayetteville Street (United States Highway 220 Business) to a point in the center of the intersection of South Fayetteville Street and Academy Street; thence west along the center line of Academy Street to a point in the center of the intersection of West Academy Street and South Church Street; thence north along the center line of Church Street (North Carolina Secondary Road 1707) to a point in the intersection of North Church Street and West Salisbury Street; thence east along the center line of West Salisbury Street to the point and place of beginning.

Section 150. Section 150.03 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.03 BUILDING INSPECTOR; DEPUTIES AND ASSISTANTS

- (A) Except as may be provided otherwise by state law or this Code, the Building Inspector shall administer and enforce within the territorial jurisdiction, specifically including without limitation the extraterritorial planning jurisdiction, of the city all provisions of this chapter and of the North Carolina State Building Code, and he shall perform the duties and keep the records prescribed in G.S. §§ 160A-411 through 160A-416 Article 11 of Chapter 160D of the General Statutes of North Carolina for local building and electrical inspectors.
- (B) The City Council may, by resolution or otherwise, provide for the appointment or designation of such deputy and assistant building inspectors as may be considered desirable.
- (C) Notwithstanding any other provision found within this Chapter, when undertaking inspections and enforcement actions in connection with unsafe structures, the city's Chief Building Inspector and any deputy or assistant building inspector(s) are authorized to utilize the full scope of authority found within the most recent enactments of G.S. §§ 160A-426 through and including 160A-432 Article 11 of Chapter 160D of the General Statutes of North Carolina. This division is designed to provide city building inspectors with the greatest scope of regulatory authority available under North Carolina law to address unsafe structures and is not to be interpreted or construed as a limitation on any other regulatory authority otherwise delegated to a building inspector.

Section 151. Section 150.29 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.29 INSPECTIONS OF WORK IN PROGRESS

Subject to the limitation imposed by G.S. § 160A-412(b) 160D-1104, as the work pursuant to a permit progresses, the Building Inspector shall make as many inspections thereof as may be necessary to satisfy him that the work is being done according to the provisions of any applicable state laws or ordinances of this city and of the terms of the permit. In exercising this power, the Building Inspector shall have a right to enter on any premises within his or her jurisdiction at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. If a permit has been obtained by an owner exempt from licensure under G.S. § 87- 1(b)(2), no inspection shall be conducted without the owner being personally present, unless the plans for the building were drawn and sealed by an architect licensed pursuant to G.S. Ch. 83A.

Section 152. Section 150.30 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.30 STOP ORDERS

- (A) Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of any state law or ordinance of this city, or in a manner that endangers life or property, the Building Inspector may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed. The owner or builder may appeal from a stop order involving alleged violation of the State Building Code or any approved modification thereof made by ordinance of this city to the North Carolina Commissioner of Insurance or his designee within a period of five days after the order is issued. Notice of appeal shall be given in writing to the Commissioner of Insurance or his designee, with a copy to the Building Inspector. The Commissioner of Insurance or his designee shall promptly conduct an investigation and the appellant and the Inspector shall be permitted to submit relevant evidence. The Commissioner or his designee shall as expeditiously as possible provide a written statement of the decision setting forth the facts found, the decision reached, and the reasons for the decision. Pending the ruling by the Commissioner of Insurance or his designee on an appeal no further work shall take place in violation of a stop order. In the event of dissatisfaction with the decision, the person affected shall have the options of:
- (1) Appealing to the Building Code Council, or
 - (2) Appealing to the Superior Court as provided in G.S. § 143-141.

- (B) Violation Pursuant to G.S. § 160D-404(b), the violation of a stop order shall constitute a misdemeanor.

Section 153. Section 150.47 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.47 REMOVING NOTICE FROM CONDEMNED BUILDINGS

Pursuant to G.S. § 160D-1118, if any person shall remove any notice that has been affixed to any building or structure by the Building Inspector and that states the dangerous character of the building or structure, he shall be guilty of a misdemeanor.

Section 154. Section 150.51 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 150.51 FAILURE TO COMPLY WITH ORDER

Pursuant to G.S. § 160D-1124, ~~If if~~ the owner of a building or structure fails to comply with an order issued pursuant to § 150.49 from which no appeal has been taken or fails to comply

with an order of the City Council following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

Section 155. Section 151.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.01 FINDING; PURPOSE

(A) Pursuant to G.S. § ~~160A-441~~ 160D-1201, it is hereby declared that there exist in the city dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the city.

(C) In order to protect the health, safety and welfare of the residents of the city as authorized by ~~Part 6 of Article 19, Chapter 160A~~ Article 12 of Chapter 160D of the General Statutes of North Carolina, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation as expressly authorized by G.S. § ~~160A-444~~ 160D-1205.

Section 156. Section 151.14 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.14 PROCEDURE FOR ENFORCEMENT

(A) Preliminary investigation; notice; hearing. Whenever a petition, is filed with the Inspector by a Public Authority or by at least five residents of the city charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or unit is unfit for human habitation he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant in courts of law or equity shall not be controlling in hearings before the Inspector.

(B) Procedure after hearing. After such notice and hearing, the Inspector shall state in writing his determination whether the dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

(1) If the Inspector determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified period of time, not to exceed 90 days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made.

(2) If the Inspector determines that the dwelling is dilapidated, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner either to repair, alter or improve such dwelling or dwelling unit to

comply with the minimum standards of fitness established by this chapter, or else to vacate and remove or demolish the same within a specified period of time not to exceed 90 days.

(C) Failure to comply with order.

- (1) In personam remedy. If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve or to vacate and close the same within the time specified therein, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter or improve or to vacate and close and remove or demolish the same within the time specified therein, the Inspector shall submit to the City Council at its next regular meeting a resolution directing the City Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. §§ ~~160A-446(g)~~ 160D-305 and 160D-1208.
- (2) In rem remedy. After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (1), the Inspector shall submit to the City Council an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the Inspector, and pending removal or demolition, to place a placard on such dwelling as provided by G.S. § ~~160A-443~~ 160D-1203 and § 151.16.

(D) Appeals from orders of Inspector. An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the Zoning Board of Adjustment for the City of Asheboro a notice of appeal which shall specify the grounds upon which the appeal is based. Said notice of appeal to the Zoning Board of Adjustment, hereinafter referred to as the "Board," shall be filed with the Zoning Administrator for the City of Asheboro on a form prescribed by the Zoning Administrator. Upon the proper filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except for due cause shown upon not less than one day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. §§ ~~160A-446(f)~~ 160D-305 and 160D-1208 and division (E) below.

- (1) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Inspector, but the concurring vote of seven members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

- (2) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.
- (E) Petition to superior court by owner. Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S §§ 160A-446(e) 160D-305 and 160D-1208.

Section 157. Section 151.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.16 IN REM ACTION BY INSPECTOR; PLACARDING

After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the City Council of an ordinance authorizing and directing him to do so, as provided by G.S. § 160A-443(5) 160D-1203 and § 151.14(C), the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the City Council, and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful". Occupation of a building so posted shall constitute a misdemeanor. Each ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S § 160A-443(4) and (5) 160D-1203.

Section 158. Section 151.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.17 COSTS, A LIEN ON PREMISES

As provided by G.S §§ 160A-446(e) 160D-305 and 160D-1208, the cost of any repairs, alterations, or improvements, or of vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to § 151.15 shall be a lien against the real property upon which such cost was incurred such lien shall be filed, having priority, and be collected in the same manner as the lien for special assessments established by Article 10, Chapter 160A of the General Statutes.

Section 159. Section 151.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.18 ALTERNATIVE REMEDIES

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter by criminal process as authorized by G.S. § 14-4 and § 151-20, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Section 160. Section 151.19 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.19 ZONING BOARD OF ADJUSTMENT DESIGNATED TO HEAR APPEALS

Pursuant to and in accordance with G.S. §§ 160A-446(a) 160D-305 and 160D-1208, the Board of Adjustment established by Article 900 of the Asheboro Zoning Ordinance is hereby designated as the board that shall perform the duties prescribed by § 151.14(D) of the Code

of Asheboro. When discharging its duties pursuant to Chapter 151 of the Code of Asheboro and Article 19 of G.S. Chapter 160A Chapter 160D of the General Statutes of North Carolina, the Board of Adjustment shall keep an accurate record of all its proceedings.

Section 161. Section 151.99 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 151.99 PENALTY

(A) ~~The violation of any provision of this chapter shall constitute a misdemeanor, as provided by G.S. § 14-4.~~

(B) ~~In addition to the penalty established by division (A) above, and the remedies provided by other provisions of this chapter, this chapter may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.~~

In addition to the remedies provided by other provisions of this chapter, this chapter may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

Section 162. Section 152.02 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.02 PURPOSE

Pursuant to and in accordance with the enabling legislation found in G.S. § 160A-439 160D-1129, this chapter is enacted for the purpose of protecting the health, safety, and welfare of the city and its citizens by establishing minimum standards of maintenance, sanitation, and safety for nonresidential buildings or structures. Furthermore, this chapter identifies the circumstances under which a public necessity exists for the repair, closing, or demolition of nonresidential buildings or structures that are dangerous to the public health, safety, and welfare.

Section 163. Section 152.14 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.14 IN REM ACTION BY THE CITY ENFORCEMENT OFFICER

After failure of an owner of a nonresidential building to comply with an order of the City Enforcement Officer issued pursuant to the provisions of this chapter and upon adoption by the City Council of an ordinance authorizing and directing the owner to do so, as provided by G.S. § 160A-439(f) 160D-1129 and § 152.09(D), the City Enforcement Officer shall proceed to cause the nonresidential building to be repaired, altered, or improved to comply with the minimum standards established by this chapter, to be vacated and closed, or to be removed or demolished, as directed by the ordinance of the City Council. The City Enforcement Officer may cause to be posted on the main entrance of any nonresidential building that is to be vacated and closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building so posted shall be guilty of a Class 3 misdemeanor.

Section 164. Section 152.15 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.15 COSTS ARE A LIEN ON PREMISES

(A) As provided by G.S. § 160A-439(i) 160D-1129(i), the amount of the cost of any repairs, alterations, or improvements, vacating and closing, or removal or demolition caused to be made or done by the City Enforcement Officer pursuant to §§ 152.09(D) or 152.12 shall be a lien against the real property upon which the costs were incurred. The lien shall be filed, have the same priority, be enforced, and the costs collected as provided by G.S. Ch. 160A, Art. 10. The amount of the costs shall also be a lien on any other real property of the owner located within the city limits except for

the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.

- (B) If the nonresidential building is removed or demolished by the City Enforcement Officer, such officer shall offer for sale the recoverable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition. Any balance remaining shall be deposited in the Superior Court by the City Enforcement Officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the governing body to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Section 165. Section 152.16 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.16 EJECTMENT

If any occupant fails to comply with an order to vacate a nonresidential building, the City Enforcement Officer may file a civil action in the name of the city to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building. The Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed ten days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. § 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the City Enforcement Officer produces a certified copy of an ordinance adopted by the City Council pursuant to **G.S. § 160A-439(f) 160D-1129(f)** and § 152.09(D) to vacate the occupied nonresidential building, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. § 7A-228, and the execution of the judgment may be stayed as provided in G.S. § 7A-227. An action to remove an occupant of a nonresidential building who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the City Council has ordered the City Enforcement Officer to proceed to exercise his or her duties under **G.S. § 160A-439(f) 160D-1129(f)** and § 152.09(D) to vacate and close or remove and demolish the nonresidential building.

Section 166. Section 152.17 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.17 FILING OF ORDINANCES

An ordinance adopted by City Council pursuant to §§ 152.09(D) or 152.12 shall be recorded in the office of the Register of Deeds of Randolph County and shall be indexed in the name of the property owner in the grantor index, as provided by **G.S. §§ 160A-439(f) and (g) 160D-1129(f) and (g).**

Section 167. Section 152.18 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.18 ALTERNATIVE REMEDIES

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, **to enforce this chapter by criminal process as authorized by G.S. § 14-4 and § 152-22,** and to utilize any remedy provided herein or in other ordinances or laws.

Section 168. Section 152.19 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.19 BOARD OF ADJUSTMENT TO HEAR APPEALS

- (A) All appeals that may be taken from decisions or orders of the City Enforcement Officer pursuant to this chapter shall be heard and determined by the Board of Adjustment. As the appeals body, the Board of Adjustment shall have the power to set the times and places of its meetings, to adopt necessary rules of procedure, and to adopt any other rules and regulations that may be necessary for the proper discharge of its duties.
- (B) Appeals shall be subject to the following:
 - (1) An appeal from any decision or order of the City Enforcement Officer may be taken by any person aggrieved thereby. Any appeal from the City Enforcement Officer shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the City Enforcement Officer and the Secretary to the Board of Adjustment a notice of appeal that shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the City Enforcement Officer shall forthwith transmit to the Board of Adjustment all of the papers constituting the record upon which the decision under appeal was made. When the appeal is from a decision of the City Enforcement Officer refusing to allow the person aggrieved thereby to do any act, the City Enforcement Officer's decision shall remain in force until modified or reversed. When any appeal is from a decision of the City Enforcement Officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board of Adjustment, unless the City Enforcement Officer certifies to the Board, after the notice of appeal is filed, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant) a suspension of the requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order that may be granted for due cause shown, upon not less than one day's written notice to the City Enforcement Officer, by the Board or by a court of record upon petition made pursuant to G.S. § ~~160A-446(f)~~ 160D-1208(d) and § 152.20.
 - (2) The Board of Adjustment shall set a reasonable time for the hearing of all appeals, shall give notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board of Adjustment may reverse or affirm, in whole or in part, or may modify the decision or order appealed from and may make such decision and order as in its opinion ought to be made in the matter. To that end, the Board of Adjustment shall have all the powers of the City Enforcement Officer when ruling upon a duly filed appeal. A simple majority of the members of the Board of Adjustment shall be necessary to reverse or modify any decision or order of the City Enforcement Officer. When considering an appeal, the Board of Adjustment shall have the power, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case by granting a variance to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that the concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to grant a variance rather than the simple majority that is sufficient, when the variance power is not utilized, to reverse or modify a decision or order of the City Enforcement Officer.
- (C) Every decision of the Board of Adjustment shall be subject to review by the Superior Court by proceedings in the nature of certiorari instituted within 30 days of the decision of the Board, but not otherwise.

Section 169. Section 152.20 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.20 TEMPORARY INJUNCTION REMEDY FOR AGGRIEVED PERSON

Any person aggrieved by an order issued by the City Enforcement Officer or a decision rendered by the Board of Adjustment shall have the right within 30 days after issuance of the order or rendering of the decision to petition the Superior Court for a temporary injunction restraining the City Enforcement Officer pending a final disposition of the cause, as provided by **G.S. § 160A-446(f) 160D-1208(d).**

Section 170. Section 152.22 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 152.22 VIOLATIONS; PENALTIES

(A) It shall be unlawful for the owner of any nonresidential building to fail, neglect, or refuse to repair, alter, or improve the same, to vacate and close, or to remove or demolish the same upon order of the City Enforcement Officer duly made and served in accordance with the provisions of this chapter within the time specified in the order, and each day that any such failure, neglect, or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any nonresidential building, with respect to which an order has been issued pursuant to section § 152.09(C), to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration, improvement, or its vacation and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

~~(B) The violation of any provision of this Chapter shall constitute a misdemeanor, as provided by G.S. § 14-4.~~

~~(C) In addition to or in lieu of the other remedies provided by this chapter, any owner of a nonresidential building that fails to comply with an order of the City Enforcement Officer within the time specified therein, shall be subject to a civil penalty in the amount of \$50 for the first offense, \$100 for the second offense in the calendar year, and \$250 for the third and subsequent offenses in the calendar year. Each subsequent offense after the third will be subject to a civil penalty of \$250. Each 30-day period or part thereof in which a violation is allowed to persist will constitute a separate and distinct offense.~~

~~(B) In addition to or in lieu of the other remedies provided by this chapter, any owner of a nonresidential building that fails to comply with an order of the City Enforcement Officer within the time specified therein, shall be subject to a civil penalty in the amount of \$50 for the first offense, \$100 for the second offense in the calendar year, and \$250 for the third and subsequent offenses in the calendar year. Each subsequent offense after the third will be subject to a civil penalty of \$250. Each 30-day period or part thereof in which a violation is allowed to persist will constitute a separate and distinct offense.~~

Section 171. Section 153.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 153.01 ADOPTION BY REFERENCE

(A) The subdivision ordinance, as readopted May 7, 1987, as amended, copies of which are on file in the office of the City Clerk, is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

~~(B) Notwithstanding any provision found within the above-referenced subdivision ordinance, the City of Asheboro Subdivision Ordinance shall not impose any criminal penalties on the basis of the violation of an ordinance provision adopted under Chapter 160D of the General Statutes of North Carolina.~~

Section 172. Section 154.01 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 154.01 ADOPTION BY REFERENCE

(A) The zoning ordinance as adopted January 6, 1966 and readopted February 10, 1977, copies of which are on file in the office of the City Clerk, as amended, readopted February 10, 1977, and revised, effective July 1, 2021, to comply with Chapter 160D of the General Statutes of North Carolina, and as the ordinance may be subsequently amended, is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

(B) Copies of the City of Asheboro Zoning Ordinance are on file in the Office of the City Clerk.

(C) Notwithstanding any provision found within the above-referenced zoning ordinance, the City of Asheboro Zoning Ordinance shall not impose any criminal penalties on the basis of the violation of an ordinance provision adopted under Chapter 160D of the General Statutes of North Carolina, except for those ordinance provisions related to unsafe buildings.

Section 173. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 174. Sections 2, 141, 142, 143, 144, and 148 of this Ordinance were introduced and received favorable votes during Asheboro City Council meetings held on November 4, 2021, and November 18, 2021. The ordinance provisions found in the sections listed in the immediately preceding sentence shall be in full force and effect on and after November 18, 2021.

Section 175. The remaining sections of this Ordinance (*i.e.*, all sections of the Ordinance other than the sections listed in the immediately preceding Section 174) received two favorable votes during the Asheboro City Council meetings held on November 18, 2021, and December 9, 2021. The provisions that fall within the scope of the immediately preceding sentence shall be in full force and effect on and after December 9, 2021.

The Asheboro City Council granted final approval of the entirety of this Ordinance during the Council's regular meeting on the 9th day of December, 2021.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

(f) **General Fund Amendment – Police Department Expenditures and Activities.**

37 ORD 12-21

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022**

WHEREAS, the City of Asheboro Police Department was awarded a \$2000 grant from Walmart for community outreach and the City of Asheboro desires to the funds from this local grant in the Asheboro Police Department budget in the Community Resource expenditure line item, and

WHEREAS, the City of Asheboro Police Department 2016 Dodge Charger VIN 2C3CDXAT7GH356720 was involved in an accident and determined to be a total loss, and

WHEREAS, BB&T Bank, who was using the vehicle as security on a loan from 2017, advised on February 9, 2021 that they released the electronic lien on the vehicle so the title could be sent to the City of Asheboro by the DMV, and

WHEREAS, on November 1, 2021, the City Manager declared the vehicle to be surplus city-owned property to be disposed of with the most cost effective way of disposal as conveyance of the vehicle for salvage to the NC League of Municipalities in consideration of a payment of \$17,275 under the City's auto property damage- collision policy, and

WHEREAS, the in November, the City received the insurance proceeds and now wishes to use these funds toward the purchase of another vehicle for the Asheboro Police Department, and

WHEREAS, the City of Asheboro desires to amend the 2021-2022 budget to incorporate these changes to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Change</u>
10-349-0300	Local Grants	2,000
10-335-0100	Miscellaneous Revenue	17,275
		<u>\$19,275</u>

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Change</u>
10-510-3302	Community Resource	2,000
10-510-7400	Capital Outlay	17,275
		<u>\$19,275</u>

Adopted this the 9th day of December, 2021.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

(g) Two General Fund Amendments – Expenditures and Activities related to Downtown Asheboro Inc.

38 ORD 12-21

WHEREAS, on June 11, 2020, the City of Asheboro announced a new partnership with Downtown Asheboro Inc. to administer the City's Main Street Program and has budgeting to contribute \$100,000 to the organization in 2021-2022. And;

WHEREAS, the one of the services the City of Asheboro is receiving from Downtown Asheboro Inc. in exchange for these funds is full time employee dedicated to maintain Asheboro's standing in the NC Main Street Program who provides downtown business assistance, retention, recruitment, and resources, and promotion of Downtown through various avenues, and;

WHEREAS, DAI has developed a grant program focused on spurring economic development in Downtown Asheboro Historic District by providing financial consideration to incentivize owners and tenants to invest in property improvements that are focused on historic preservation of architectural character that is unique to Asheboro, and

WHEREAS, the DAI has established a designated committee to review plans, drawings, and quotes to ensure each project meets the Secretary of Interior Standards for Rehabilitations, and

WHEREAS, the DAI grant program guidelines outline that rehabilitation of structures should be considered a contemporary solution that respects the architectural integrity of the entire building, retaining those elements that enhance the building and that all projects will meet with the code requirements for the City of Asheboro and that any renovation proposal is eligible for funding, but top priority will be given to projects that will make highly visible contribution to the commercial district and that the grant will not approve or include any requests for business name(s) on awnings, and

WHEREAS, DAI has requested funding from the City of Asheboro in the amount of one hundred thousand dollars for this program, and

WHEREAS, the City of Asheboro recognizes long term economic development aspect of investment in the Downtown Historic District and would like to appropriate fund balance for this purpose, and

WHEREAS, the City of Asheboro desires amend the 2021-2022 budget to be in compliance with all generally accepted accounting principles.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	\$100,000

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-490-5100	Community Redevelopment	\$100,000

Adopted this the 9th day of December 2021.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H Doerr, CMC, NCCMC, City Clerk

39 ORD 12-21

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022**

WHEREAS, on June 11, 2020, the City of Asheboro announced a new partnership with Downtown Asheboro Inc. (DAI) to administer the City's Main Street Program and has budgeted to contribute \$100,000 to the organization in 2021-2022, and

WHEREAS, the one of the services the City of Asheboro is receiving from DAI in exchange for these funds is a full time employee dedicated to the promotion of Downtown Asheboro through various avenues, and;

WHEREAS, DAI is wanting Asheboro to host a special 4 band concert series in 2022 on May 20, June 10, July 15 and August 5 budgeted at \$75,000, and

WHEREAS, the musicians selected are Stephanie Quayle and three tribute bands: an ACDC tribute band, a Fleetwood Mac Tribute Band and a Michael Jackson Tribute band, and

WHEREAS, DAI hopes to secure sponsorship revenue for this use but is needing upfront funds for deposits and other business expenses associated with the concert series and has requested funding from the City of Asheboro, and

WHEREAS, the City of Asheboro would like to appropriate fund balance up to \$75,000 for this purpose, and

WHEREAS, the City of Asheboro desires amend the 2021-2022 budget to be in compliance with all generally accepted accounting principles.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Allocation	\$75,000

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-615-1202	Concert Series	\$75,000

Adopted this the 9th day of December 2021.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H Doerr, CMC, NCCMC, City Clerk

(h) Water and Sewer Fund Amendment to Account for Personnel Changes in the Water Billing Department.

40 ORD 12-21

**ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2021-2022**

WHEREAS, in October 2020, the City of Asheboro Billing & Collection department started utilizing a new software platform for managing the flow service requests, along with documentation, from any digital format a customer may have to the billing staff in a secure and socially distant manner, and;

WHEREAS, in a thirteen month period, the Billing and Collection department as processed 4073 service applications using electronic platform while continuing to also perform all the other duties of the office, and

WHEREAS, after a year of analysis and considering the volume of applications and workflow, the Finance Director has recommended a staffing change to hire one additional employee, move from a 3 FT person department to a 4 FT person department to allow applications to be processed in a more timely manner, and

WHEREAS, the City Council of the City of Asheboro desires to be in compliance with all generally accepted accounting principles to incorporate new expenditures outline above, and

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina that following revenue and expense line items are changed as follows:

Section 1: That the following revenue line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
30-299-0000	Fund Balance Appropriation	\$35,300

Section 2: That the following expense line item be increased:

<u>Account #</u>	<u>Expense Description</u>	<u>Increase</u>
30-720-0200	Salaries & Wages	24,000
30-720-0702	FICA & Medicare	800
30-720-0704	Insurance	9,000
30-720-0705	Retirement	<u>1,500</u>
		\$35,300

Adopted this 9th day of December, 2021.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

(i) Scheduling of Legislative Hearings for January 6, 2022

- (i) A request to rezone property located southeast of 801 Hub Morris Road (a portion of Randolph County Parcel Identification Number 7763544550) from R10 and R40 zoning to R10 (CZ) zoning to allow a manufactured/mobile home park; and
- (ii) Request for text amendments to the zoning and subdivision ordinances related to local planning and development regulation in response to Senate Bill 300/SL 2021-138.

The council approved the scheduling and advertising of the above-referenced requests from the community development division. These requests are scheduled to be heard during the council's regular session on January 6, 2022.

5. Asheboro/Randolph Chamber of Commerce Economic Development Initiative

(a) Public Hearing on the Funding Request

Mayor Smith opened the public hearing in regards to economic development initiatives.

Finance Director Deborah Reaves reported that the City of Asheboro partners with and financially supports the Asheboro/Randolph Chamber of Commerce

for economic development activities. A contribution of \$25,000 was approved by the council on June 24, 2021, as part of the adoption of the annual budget ordinance.

In consideration of the yearly financial contributions to the Asheboro/Randolph Chamber of Commerce (the Chamber), the city receives services, including but not limited to the following:

1. Small business assistance, resources and advocacy;
2. Retail business development;
3. Community events and promotion;
4. Local youth and adult leadership training; and
5. Downtown/Center City development and support.

During 2020, the Chamber lost 111 members with approximately thirty (30) businesses permanently closing. Additionally, approximately twenty (20) members permanently relocated outside of the Piedmont Triad Area, and approximately 30 businesses cancelled their membership in order to cut costs.

During her presentation, Ms. Reaves also reported that there was an upsurge of 62.5 percent in new business ventures possibly due to furloughed employees and the uncertainty of employees returning to work. Employment opportunities were minimal during the novel coronavirus pandemic. According to the U.S. Bureau of Labor, approximately 70% of new businesses will ultimately fail.

A collaborative effort has been established between the Asheboro/Randolph Chamber of Commerce and VentureAsheboro in order to design a program that is focused on Asheboro businesses to help achieve sustainability. Some of the initiatives include, but are not limited to the following:

1. Establishment of a mentor network (matching Asheboro business leaders with new business owners);
2. Free one-on-one coaching to assist Asheboro entrepreneurs (both new and established);
3. Eight (8) week business accelerator programs;
4. Master classes (using local business experts to share solutions with other local business leaders); and
5. Workshops on subject matters common to entrepreneurs.

Ms. Reaves reported that a one-time contribution of \$50,000 has been requested in order to assist with the costs of these programs. The budget ordinance amendment reprinted in the following section of the minutes reflects the above-referenced contribution.

When Ms. Reaves concluded her presentation, Mayor Smith asked if anyone in the audience would like to speak to the council about the funding request. After no one requested an opportunity to speak, Mayor Smith transitioned to the deliberative phase of the hearing.

(b) An ordinance to amend the General Fund

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the general fund.

Council Member Bell moved and Council Member Swiers seconded the motion to adopt the following ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

41 ORD 12-21

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022**

WHEREAS, The City of Asheboro currently contributes \$25,000 to the Asheboro / Randolph Chamber of Commerce to support economic development activities (thru the Economic Development Fund), and

WHEREAS, the City of Asheboro receives the following services from the Chamber of Commerce:

1) Small business assistance, resources and advocacy, (2) Retail business development, (3) Community events and promotion, (4) Local youth and adult leadership training, and (5) Downtown/Center City development and support, and

WHEREAS, the Asheboro Randolph Chamber of Commerce has expanded their scope in partnering with VentureAsheboro to further focus on small business and entrepreneurial training and development, and

WHEREAS, the City desires to allocate \$50,000 in funding to the economic development fund by appropriating General fund balance, and;

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase / (decrease)</u>
10-299-0000	Fund Balance Allocation	\$50,000

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase / (decrease)</u>
10-490-7200	Contribution to Economic Development Fund	\$50,000

Adopted this the 9th day of December 2021.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

(c) An ordinance to amend the Economic Development Fund

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the Economic Development Fund.

Council Member Bell moved, and Council Member Burks seconded the motion to adopt the following ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

42 ORD 12-21

**ORDINANCE TO AMEND THE ECONOMIC & TOURISM DEVELOPMENT FUND
FY 2021-2022**

WHEREAS, The City of Asheboro currently contributes \$25,000 to the Asheboro / Randolph Chamber of Commerce (Chamber) to support economic development activities, and

WHEREAS, in exchange for the \$25,000 financial support, the City of Asheboro receives the following services from the Chamber: (1) Small business assistance, resources and advocacy, (2) Retail business development, (3) Community events and promotion, (4) Local youth and adult leadership training, and (5) Downtown/Center City development and support, and

WHEREAS, the Chamber has shared the below business statistics that give a snapshot of what our local businesses are experiencing now in 2021 since the onset of COVID-19:

1) The Chamber lost 111 members - 30+ of which closed their doors for good, 20+ permanently relocated outside of the Piedmont Triad, and another 30 that simply needed to cut every expense possible to remain viable.

2) In 2020, Randolph County had a 62.5% increase over 2019 of new business startups that they believe this has to do with the overall effect COVID had on families such as
a) Furloughed employees had uncertainty as to whether they would go back to work.
b) Laid off employees had minimal options for employment during the initial shut-downs and the slow return to business. c) Children forced to do remote learning could not be left at home alone and that these new start-ups reflect entrepreneurially minded people to looking for new and creative ways to make a living.

3) According to the US Bureau of Labor, 70% of new businesses will ultimately fail, and

WHEREAS, considering the challenges facing small businesses and entrepreneurs, the Chamber has requested a one-time contribution of \$50,000 to expand their program of support in this area, and

WHEREAS, the Chamber has successfully worked with VentureAsheboro to support and assist new businesses to give them the best opportunity to achieve success and have together planned a program of work aimed at Asheboro located businesses that includes measurable strategies, and

WHEREAS, a list of the measurable strategies include but are not limited to: 1) Establishment of a mentor network (matching Asheboro business leaders with new business owners).2) Free one-on-one coaching to assist Asheboro entrepreneurs (both new and established).3) Master Classes (using local business experts to share solutions with other local business leaders).4) Three 8-week Business Accelerator programs aimed at some key entrepreneur types. 5) On-off workshops on subject matters common to entrepreneurs. And

WHEREAS, Some examples of possible accelerator programs include: Black Business Accelerator, Women-Owned Business Accelerator, Encore Entrepreneurs (over the age of 55), Hispanic Business Accelerator, Retail Accelerator, and

WHEREAS, some examples of possible on-off workshops on subject matters common to entrepreneurs include 1) Establishing a good working relationship with bankers, 2) Marketing on a minimal budget, 3) Business finance for non-finance experienced people, and

WHEREAS, the City of Asheboro desires to support this program and allocate \$50,000 in funding from the general fund and appropriate for the expense in the Economic and Tourism Development fund, and;

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase / (decrease)</u>
72-350-0300	Chamber of Commerce – VentureAsheboro support	50,000

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase / (decrease)</u>
72-840-2030	Chamber of Commerce – VentureAsheboro Support	50,000

Adopted this the 9th day of December 2021.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

6. Zoo City Sportsplex Project

(a) Change Order No. 3 in the Amount of \$1,132,055.00

City Engineer Michael Leonard, PE, presented Change Order No. 3 for the Zoo City Sportsplex Project for two (2) restrooms and a concession stand. The anticipated completion date of the work is August 30, 2022.

The change order will increase the current contract price by \$1,132,055.00 from \$4,536,017.50 to \$4,668,072.50. The contract time will be increased by 270 calendar days.

Council Member Moffitt moved, and Council Member Swiers seconded the motion, to approve Change Order No. 3. Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

A copy of the change order is on file in the city clerk's office.

(b) General Fund Amendment

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the general fund.

Council Member Bell moved, and Council Member Swiers seconded the motion to adopt the following ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

43 ORD 12-21

**ORDINANCE TO AMEND THE GENERAL FUND
FY 2021-2022**

WHEREAS, the City of Asheboro appropriated funding from fund balance for phase 1 site improvements for the Zoo City Sportsplex Construction Contract with Terrys Plumbing & Utilities in the amount of \$4,502,000 on January 9, 2020, and;

WHEREAS, the Terrys' Plumbing & Utilities has been requested to construct 3 buildings on the Zoo City Sportsplex property which were not included in the original adopted budget, and;

WHEREAS, the first building for construction is for a 25' 8" x 38' 2" split face block structure referred to as Restroom Building A for a cost of \$359,440, and

WHEREAS, the second building for construction is for a 25' 4" x 37' 1" split face block structure referred to as Restroom Building B for a cost of \$359,440, and

WHEREAS, the third building for construction is for a 24' 8" x 37' 10" split face block structure referred to as Main Concession Building D for a cost of \$359,440, and

WHEREAS, the total costs of these changes is referenced in Change order 3 to the contract with Terrys Plumbing and Utilities dated December 7, 2021 is \$1,132,055, and

WHEREAS, the City of Asheboro desires amend the General Fund budget utilizing an appropriation of fund balance to incorporate these changes to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Appropriation	1,132,055

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-620-7474	Contribution to Zoo City Sportsplex Fund	1,132,055

Adopted this the 9th day of December 2021.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

(c) Zoo City Sportsplex Fund Amendment

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the Zoo City Sportsplex Fund.

Council Member Burks moved, and Council Member Carter seconded the motion to adopt the following ordinance by reference. Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

44 ORD 12-21

**ORDINANCE TO AMEND THE ZOO CITY SPORTSPLEX FUND (74)
FY 2019-2020**

WHEREAS, the City of Asheboro appropriated funding for phase 1 site improvements for the Zoo City Sportsplex Construction Contract with Terrys Plumbing & Utilities in the amount of \$4,502,000 on January 9, 2020, and;

WHEREAS, the Terrys’ Plumbing & Utilities has been requested to construct 3 buildings on the Zoo City Sportsplex property which were not included in the original adopted budget, and;

WHEREAS, the first building for construction is for a 25’ 8” x 38’ 2” split face block structure referred to as Restroom Building A for a cost of \$359,440, and

WHEREAS, the second building for construction is for a 25’ 4” x 37’ 1” split face block structure referred to as Restroom Building B for a cost of \$359,440, and

WHEREAS, the third building for construction is for a 24’ 8” x 37’ 10” split face block structure referred to as Main Concession Building D for a cost of \$359,440, and

WHEREAS, the costs of these changes is referenced in Change order 3 to the contract with Terrys Plumbing and Utilities dated December 7, 2021 with a total combined amount of \$1,132,055, and

WHEREAS, the City of Asheboro desires amend the Zoo City Sportsplex fund budget to incorporate these changes to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
74-300-1000	Contribution from General Fund	1,132,055

That the following Expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
74-400-0001	Construction	1,132,055

Adopted this the 9th day of December 2021.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

7. Airfield Lighting Rehabilitation Project Grant Agreement

Mr. Leonard presented and requested the approval, by reference, of a grant agreement with the North Carolina Department of Transportation Division of Aviation in the amount of \$1,199,845 for the airfield lighting rehabilitation project at the Asheboro Regional Airport. The city will be responsible for a ten (10) percent match of the total project cost. This match will be in the amount of \$119,985.00.

Council Member Moffitt moved, and Council Member Bell seconded the motion to approve the above-referenced grant agreement. Council Members Bell, Burks, Carter, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

II. Administration of the Oaths of Office:

City Clerk Holly H. Doerr administered the oath of office for the following council members.

8. Oath of office for Mayor David H. Smith

OATH OF MAYOR

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, David H. Smith, do solemnly swear that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Mayor of the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

/s/David H. Smith
David H. Smith

Sworn to and subscribed before me this 9th day of December, 2021.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk

9. Oath of office for Council Member Clark R. Bell

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Clark R. Bell, do solemnly swear that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

/s/Clark R. Bell
Clark R. Bell

Sworn to and subscribed before me this 9th day of December, 2021.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk

10. Oath of Office for Council Member Kelly L. Heath

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Kelly L. Heath, do solemnly swear that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

/s/Kelly L. Heath
Kelly L. Heath

Sworn to and subscribed before me this 9th day of December, 2021.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk

11. Oath of Office for Council Member William N. McCaskill

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, William N. McCaskill, do solemnly swear that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

/s/William N. McCaskill
William N. McCaskill

Sworn to and subscribed before me this 9th day of December, 2021.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk

12. Oath of Office for Council Member Walker B. Moffitt

OATH OF COUNCIL MEMBER

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Walker B. Moffitt, do solemnly swear that I will support, defend, and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina

not inconsistent therewith, and that I will faithfully discharge and perform the duties of my office as Council Member for the City of Asheboro, on which I am about to enter, according to my best skill and ability; so help me, God.

/s/Walker B. Moffitt
Walker B. Moffitt

Sworn to and subscribed before me this 9th day of December, 2021.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk

III. Organizational Phase of the Meeting

REGULAR MEETING
NEWLY ORGANIZED ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, ASHEBORO MUNICIPAL BUILDING
THURSDAY, DECEMBER 9, 2021

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Kelly L. Heath)
William N. McCaskill) – Council Members Present
Walker B. Moffitt)
Jane H. Redding)
Charles A. Swiers)

John N. Ogburn, III, City Manager
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, PE, City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Charles D. Wagner, Police Captain
Tammy M. Williams, CMC, Deputy City Clerk

13. Election of Mayor Pro Tempore and administration of the oath of office.

After the oaths of office were administered to Mayor Smith and Council Members Bell, Heath, McCaskill, and Moffitt, the council turned its attention to the election of a Mayor Pro Tempore. Council Member Bell nominated Mr. Walker B. Moffitt for election as Mayor Pro Tempore, and Council Member Burks seconded the nomination. Mayor Smith asked if there was agreement to elect Mr. Moffitt as Mayor Pro Tempore by acclamation, and Council Member Bell and Council Member Burks agreed to so move and second. This motion to close nominations and elect Walker B. Moffitt as Mayor Pro Tempore by acclamation was approved unanimously by Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers.

Subsequent to the election of Mayor Pro Tempore, Ms. Doerr administered the following oath of office to Mayor Pro Tempore Moffitt.

OATH OF MAYOR PRO TEMPORE

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH
CITY OF ASHEBORO

I, Walker B. Moffitt, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as Mayor Pro Tempore for the City of Asheboro, so help me God.

/s/Walker B. Moffitt
Mayor Pro Tempore
City of Asheboro

Sworn to and subscribed before me this 9th day of December, 2021.

/s/Holly H. Doerr
Holly H. Doerr
City Clerk

14. Committee Appointments

Mayor Smith announced his proposed list of committee appointments by discussing the following resolution and requesting council action on the resolution.

Council Member Bell moved, and Council Member Burks seconded the motion to adopt, without alteration, the resolution introduced by Mayor Smith. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

RESOLUTION NUMBER 26 RES 12-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION OF CONCURRENCE WITH THE COMMITTEE
APPOINTMENTS MADE BY MAYOR DAVID H. SMITH**

WHEREAS, the Code of Asheboro (the “Code”) authorizes the Mayor to appoint Council Members to the various committees listed in Section 31.02 of the Code as well as to other committees established by and organized in accordance with resolutions adopted by the Asheboro City Council (the “Council”) independent of the committee framework established in the Code; and

WHEREAS, the appointment of individuals to such committees is to take place during the organizational meeting that follows the municipal general election; and

WHEREAS, Section 31.02 of the Code provides that the above-referenced committee appointments are subject to the approval of the Council; and

WHEREAS, during the organizational meeting held on December 9, 2021, Mayor David H. Smith made the following committee appointments:

Finance and Public Safety Committee

1. Mayor, Chair (Designated as Chair by the Code)
2. Clark R. Bell
3. Jane H. Redding
4. Charles A. Swiers

Public Works Committee

1. Mayor Pro Tempore, Chair (Designated as Chair by the Code)
2. Edward J. Burks
3. Kelly L. Heath

Personnel Evaluation Committee

1. Mayor, Chair (Designated as Chair by the Code)
2. Mayor Pro Tempore
3. William N. McCaskill

Tourism and Marketing Committee

1. Mayor, Chair (Designated as Chair by the Code)
2. Edward J. Burks
3. Kelly L. Heath

Identity Theft Prevention Program Committee

1. Mayor, Chair (Designated as Chair by the Code)
2. William N. McCaskill
3. Charles A. Swiers

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, without exception, the committee appointments specified in the preceding recitals are hereby approved.

This Resolution was adopted in open session during a regular meeting of the Asheboro City Council that was held on the 9th day of December, 2021.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

15. Resolution Honoring Linda H. Carter

Mayor Smith presented a resolution honoring Linda H. Carter for her dedicated 20 years of service on the Asheboro City Council. Council Member Bell moved, and Council Member Burks seconded the motion to adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

27 RES 12-21

RESOLUTION HONORING LINDA H. CARTER

WHEREAS, Linda H. Carter has served as a member of the City Council for twenty years and during which time she has given generously and unselfishly of her time and efforts in a dignified, faithful, and businesslike manner; and

WHEREAS, the City Council of the City of Asheboro, North Carolina desires to express commendation and appreciation for the untiring and valuable service rendered to the City by Linda H. Carter as a member of the City Council;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Asheboro extends to Linda H. Carter the City Council's humble expression of its esteem for her in serving the City faithfully and well, and its best wishes for good health, success, and prosperity for many years to come; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and instructed to spread a copy of this resolution upon the city records and to transmit a copy thereof to Linda H. Carter.

Adopted this the ninth day of December, 2021.

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr
City Clerk

/s/John N. Ogburn, III
John N. Ogburn, III
City Manager

/s/David H. Smith
David H. Smith, Mayor

/s/Walker Moffitt
Walker Moffitt

/s/Clark Bell
Clark Bell

/s/Eddie Burks
Eddie Burks

/s/Kelly Heath
Kelly Heath

/s/Bill McCaskill
Bill McCaskill

/s/Jane Redding
Jane Redding

/s/Charles Swiers
Charles Swiers

Subsequent to the adoption of the above-referenced resolution, Mayor Smith moved, without objection, to a portion of Agenda Item 17 and provided an opportunity for Representative Pat Hurley (NC House 70) to present an award to Ms. Carter.

16. Consideration of a Resolution Honoring Katie L. Snuggs

Mayor Smith presented a resolution honoring Council Member Katie L. Snuggs for her six (6) years of service on the Asheboro City Council. Council Member Moffitt moved, and Council Member Burks seconded the motion to adopt the following resolution by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

28 RES 12-21

RESOLUTION HONORING KATIE L. SNUGGS

WHEREAS, Katie L. Snuggs has served as a member of the City Council for six years and during which time she has given generously and unselfishly of her time and efforts in a dignified, faithful, and businesslike manner; and

WHEREAS, the City Council of the City of Asheboro, North Carolina desires to express commendation and appreciation for the untiring and valuable service rendered to the City by Katie L. Snuggs as a member of the City Council;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Asheboro extends to Katie L. Snuggs the City Council's humble expression of its esteem for her in serving the City faithfully and well, and its best wishes for good health, success, and prosperity for many years to come; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and instructed to spread a copy of this resolution upon the city records and to transmit a copy thereof to Katie L. Snuggs.

Adopted this the ninth day of December, 2021.

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr
City Clerk

/s/John N. Ogburn, III
John N. Ogburn, III
City Manager

/s/David H. Smith
David H. Smith, Mayor

/s/Walker Moffitt
Walker Moffitt

/s/Clark Bell
Clark Bell

/s/Eddie Burks
Eddie Burks

/s/Kelly Heath
Kelly Heath

/s/Bill McCaskill
Bill McCaskill

/s/Jane Redding
Jane Redding

/s/Charles Swiers
Charles Swiers

Ms. Snuggs was unable to attend the meeting, but the council members suggested that Ms. Snuggs be invited to attend the council's regular January meeting in order to receive her awards.

17. Special Recognition by Representative Pat Hurley

Subsequent to the adoption of the above-referenced resolution honoring Ms. Snuggs, Representative Pat Hurley (NC House 70) read the special recognition that she had executed as a member of the North Carolina House of Representatives in order to honor Ms. Snuggs.

IV. Post-Organizational Phase of the Meeting

18. **Proposed Downtown Asheboro Social District**

Ms. Rebekah McGee, Executive Director of Downtown Asheboro, Inc. utilized a slide show presentation and requested that city staff investigate the possibility of creating a downtown social district for Asheboro. A social district would allow patrons of ABC permitted establishments to drink an alcoholic beverage on the sidewalks and public areas within the designated social district.

During her presentation, Ms. McGee suggested that certain aspects should be included within the city's policy in order for the social district to be successful. These aspects include, but are not limited to the following:

1. The city must designate boundaries;
2. Signage must be displayed indicated the boundaries;
3. Alcoholic beverages must be purchased within the district and must be in a designated cup;
4. The city must establish a time frame; and
5. Participation in the district must be completely voluntary.

Mr. Troy Carter posed general questions in regards to the proposal, while Mr. Eddie Smith, who is the Assistant City Manager for the City of Kannapolis presented comments supporting the proposed district.

With the general consent of the city council, city staff will research this matter and report back to the city council when more information is available.

No formal action was asked of the city council members, and none was taken. A copy of the slide show presentation utilized by Ms. McGee is on file in the city clerk's office.

19. **Community Development Items**

- (a) **Case No. RZ-21-14: A legislative hearing on a request to rezone property located at 481 and 539 Veterans Loop Road (identified as a portion of Randolph County Parcel Identification Number 7659370575) from R10 to I2 zoning.**

Mayor Smith opened the legislative hearing on the application by The McAdams Company, by and through Mr. David Bergmark, (the "Applicant") to rezone approximately 4.1 acres of a 5.4 acre tract of land (the "Zoning Lot") located at 481 and 539 Veterans Loop Road from R10 (Medium-Density Residential) to I2 (General Industrial) zoning.

Mr. Nuttall utilized a slide show to present the planning staff's analysis of the application. During his presentation, Mr. Nuttall noted the following:

1. The property is outside the city limits. Connection to city utilities will require annexation of the property in accordance with city policies.
2. Veterans Loop Road is a state-maintained road. In 2017, New Century Drive was extended to connect with Veterans Loop Road.
3. The request is for an I2 General Industrial classification. As described by the zoning ordinance, "the intent of the I2 Industrial Development District is to produce areas for intensive manufacturing, warehousing, processing, and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts." As a general district request, this application does not propose any specific use.

4. Since 2010, six (6) parcels along Veterans Loop Road have been rezoned from residential or commercial classifications (R10, R40, B2) to the I2 General Industrial zoning district.
5. In 2010, a portion of the subject property was rezoned from R10 to I2 (Case No. RZ-10-12). This occurred when that land was part of two adjoining parcels; it has since been recombined with the subject PIN.
6. The property is designated as an “Employment Center” by the Land Development Plan. The intent of the Employment Center is “to integrate a mixture of commercial, office & institutional, industrial, and open space uses into the fabric of the community, with ample sidewalks, street trees, on-street parking, public amenities & open space.”

Mr. Nuttall noted that, when evaluating a rezoning application, careful consideration must be given to each goal and policy as outlined in the Land Development Plan.

Proposed Land Use Map Designation: Employment Center

Small Area Plan: Southeast

Growth Strategy Map Designation: Economic Development

LDP Goals/Policies Supporting the Request:

- Checklist Item 1:** Complies with LDP proposed land use map.
- Checklist Item 3:** The property on which the rezoning district is proposed fits the description of the Zoning Ordinance (*Article 200, Section 210, Schedule of Statements of Intent*).
- Checklist Item 5:** Complies with Growth Strategy Map.
- Checklist Item 9:** Rezoning will benefit the economic vitality of the City’s designated Economic Development Area.
- Checklist Items 12 and 13:**
12. Property is located outside of watershed
 13. The property is located outside of Special Hazard Flood Area.

The City of Asheboro Planning Board considered the rezoning application recommended placement of the Zoning Lot in the requested I2 zoning district. In making this recommendation, the planning board concurred with the planning staff’s analysis, which provided as follows:

The requested I2 General Industrial zoning designation will allow economic development opportunities envisioned by the LDP. The plan designates the property as an Employment Center and, on the Growth Strategy map, identifies the region as an Economic Development Area.

The recent extension of New Century Drive to Veterans Loop Road improved the area’s access to the I-73/I-74 corridor. A rezoning of this property will help to support additional industrial development opportunities as all of the adjacent property is already zoned I2. It also will diminish the potential for future conflict between industrially and residentially zoned property by removing residential development potential from a property completely surrounded by industrial zoning.

Considering these factors, staff believes the requested I2 district is consistent with the adopted LDP and is therefore reasonable and in the public's interest.

In response to Mayor Smith inviting comments from the public, Mr. David Bergmark presented comments in support of the rezoning application. No other comments were offered from the public, and Mayor Smith then transitioned to the deliberative phase of the process.

The city council concurred with the staff and planning board analysis. Council Member Bell moved, and Council Member Heath seconded the motion, to adopt the plan consistency statement printed below and to approve the requested rezoning with the following two-part motion:

1. The application is supported by the Land Development Plan's designation of the Zoning Lot for general industrial use. The requested I2 General Industrial zoning will allow economic development opportunities envisioned by the Land Development Plan. The plan designates the property as an employment center and the Growth Strategy map identifies the region as an economic development area.

The recent extension of New Century Drive to Veterans Loop Road improved the area's access to the I-73/I-74 corridor. A rezoning of this property will help to support additional industrial development opportunities as all of the adjacent property is zoned I2. It will also diminish the potential for future conflict between industrially and residentially zoned property by removing residential development potential from a property completely surrounded by industrial zoning.

Considering the totality of these factors, the council has concluded that the requested I2 zoning district maintains consistency with the Land Development Plan, is reasonable and is in the public interest.

2. In light of the above-stated analysis, the requested zoning map amendment to place the Zoning Lot in an I2 General Industrial zoning district is approved as consistent with the adopted plan.

Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

A copy of the slide show utilized by Mr. Nuttall is on file in the city clerk's office.

(b) Case No. SUB-19-02: Final plat certification for Hillcrest, Phase 2 subdivision

Mr. Nuttall presented the final plat for Phase 2 of Hillcrest Subdivision located along Breeze Hill Road and Fermer Road. Royal Crest Builders requested the final plat certification for approximately 6.21 acres of land within Phase 2 of Hillcrest Subdivision with approximately 26 lots. The average lot size is approximately 10,351 square feet of land.

During his presentation, Mr. Nuttall noted that the planning staff and the planning board recommended granting the request with the following comments:

1. The property is within the city limits.
2. The plat is for a conventional residential subdivision consisting of 26 lots.
3. Breeze Hill and Fermer Roads are both city-maintained streets west of Uwharrie Street.

4. Two entrances exist; one from Breeze Hill Road and one from Fermer Road. There is also a stub out to property of the north.
5. The subdivision plat does not include sidewalks. While the subdivision ordinance encourages sidewalks, it does not require them for a residential subdivision that is not a planned unit development.
6. City staff has reviewed and approved the Hillcrest minor subdivision (Plat Book 162, Page 78). These lots possessed the required utilities and frontage on public rights-of-way.

After considering the above-stated analysis, Council Member Bell moved, and Council Member Swiers seconded the motion to approve the final plat certification requested for Phase 2 of Hillcrest Subdivision. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(c) Vacancies on the Asheboro Redevelopment Commission.

Mr. Nuttall informed the council of two (2) vacancies on the Asheboro Redevelopment Commission, which is an 8-member board. Council Member Burks moved to appoint Mr. Alvis Owen George, III to serve the remainder of a term of office that runs through April 1, 2022, and Mr. Ryan Terry to serve the remainder of a term of office that runs through April 1, 2023. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

20. An engineering services agreement with The Wooten Company for the City of Asheboro Wastewater Treatment Plant Master Plan Document.

Water Resources Director Michael D. Rhoney, PE presented and recommended adoption, by reference, of an agreement with The Wooten Company for the City of Asheboro Wastewater Treatment Plant Master Plan Document.

The engineering firm was selected after the completion of a qualification based selection process. The negotiated agreement has a contract price of \$85,000.00

Council Member Bell moved, and Council Member Heath seconded the motion to approve/adopt the proposed agreement with The Wooten Company for the City of Asheboro Wastewater Treatment Plant Master Plan Document. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

A copy of the agreement is on file in the city clerk's office.

21. A proposed ordinance setting the Asheboro City Council's schedule for regular meetings during the 2022 calendar year.

Mayor Smith presented and recommended adoption, by reference, of an ordinance setting the Asheboro City Council's schedule for regular meetings during the 2022 calendar year.

Council Member Burks moved, and Council Member Heath seconded the motion to adopt the following ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

ORDINANCE NUMBER 45 ORD 12-21

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

AN ORDINANCE SETTING THE DATES FOR REGULAR MEETINGS OF THE
ASHEBORO CITY COUNCIL DURING THE
2022 CALENDAR YEAR

WHEREAS, Section 31.04(A) of the Code of Asheboro provides that the “City Council shall hold a regular meeting on Thursday after the first Monday of each month;” and

WHEREAS, in an effort to avoid reasonably foreseeable scheduling conflicts with the Independence Day holiday, the Asheboro City Council has decided to reschedule its regular meeting in July 2022.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. During the 2022 calendar year, and subject to any notices to the contrary issued in accordance with the applicable laws and ordinances, regular meetings of the Asheboro City Council will begin at 7:00 p.m. on the dates listed herein and will be held in the Council Chamber, which is located on the second floor in Asheboro City Hall, 146 North Church Street, Asheboro, North Carolina 27203.

Section 2. Due to the Independence Day holiday, the regular meeting of the Asheboro City Council in July 2022 shall be held in the Council Chamber at Asheboro City Hall, with a beginning time of 7:00 p.m., on the 14th day of July, 2022.

Section 3. For purposes of clarity, the schedule is as follows for regular meetings of the Asheboro City Council during the 2022 calendar year:

<u>Month</u>	<u>Meeting Date</u>
January	6 th
February	10 th
March	10 th
April	7 th
May	5 th
June	9 th
July	14 th
August	4 th
September	8 th
October	6 th
November	10 th
December	8 th

Section 4. All ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed to the extent that such ordinances conflict with the intent of the Asheboro City Council to hold its regular meetings in accordance with the schedule found in Section 3 of this Ordinance. With the exception of rescheduling the Asheboro City Council's regular meeting in July 2022, the provisions of Section 31.04 of the Code of Asheboro shall remain in full force and effect.

Section 5. This Ordinance shall become effective upon adoption and shall sunset at midnight on December 31, 2022.

This Ordinance was adopted in open session during a regular meeting of the Asheboro City Council held on the 9th day of December, 2021.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

22. Upcoming events and items not on the agenda.

Mayor Smith led a brief discussion of upcoming events occurring within the city government and community in general. No formal action was taken by the council during this portion of the meeting.

There being no further business, the meeting was adjourned at 9:03 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk

David H. Smith, Mayor

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on November 1, 2021

The Asheboro ABC Board met on Monday, November 1, 2021, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC. Present at the board meeting were Board Members Steve Knight and Bob Morrison and General Manager Rodney Johnson (GM). A quorum being present, Bob Morrison called the meeting to order for the transaction of business and business transacted as follows:

Bob Morrison inquired as to any known conflict of interest, appearance of a conflict of interest, or objections concerning agenda items before the Board; after Board member(s) voiced having no conflict, and there being no objection, the agenda was adopted.

Board Minutes from the October 4, 2021, meeting were reviewed and approved by the Board.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses).

Monthly drafts and EFT payments were reviewed.

The Board discussed issues related to a possible 2nd store in North Asheboro. Various possibilities were discussed with further discussions planned for the next Board meeting.

The Board heard reports from the General Manager concerning the following sales statistics:

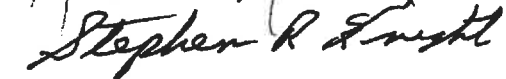
1. Asheboro ABC sales statistics comparing:
 - o October 2021 sales with the previous month indicate:
 - An overall +12.2% change (all sales and tax collections)
 - o October 2021 sales with sales from the same month last year indicate:
 - Retail Sales +1.8%
 - Mixed Beverage Sales: +35.8
 - Overall Collections: +5.24%
 - o October 2021 bottle sales with bottle sales from the same month last year indicate:
 - Retail Bottle Sales: -1.2%
 - Mixed Beverage Bottle Sales: +30.7%
 - Overall Bottle Sales: +0.6%

The next regular Asheboro ABC Board meeting will be held Monday, December 6, 2021, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 12-6-21


GM

Whereas	Primary Government Unit City of Asheboro
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A
and	Auditor William R. Huneycutt, CPA, PLLC

entered into a contract in which the Auditor agreed to audit the accounts of the Primary Government Unit and DPCU (if applicable)

for	Fiscal Year Ending 06/30/21	and originally due on	Audit Report Due Date 10/31/21
-----	--------------------------------	-----------------------	-----------------------------------

hereby agree that it is now necessary that the contract be modified as follows.

☒ Modification to date

☐ Modification to fee

Original due date 10/31/21	Modified due date 01/31/22
Original fee	Modified fee

Primary Other
(choose 1)(choose 0-2)

Reason(s) for Contract Amendment

- | | | |
|----------------------------------|--------------------------|--|
| ☒ | ☐ | Change in scope |
| ☐ | ☐ | Issue with unit staff/turnover |
| ☐ | ☐ | Issue with auditor staff/workload |
| ☐ | ☐ | Third-party financial statements not prepared by agreed-upon date |
| ☐ | ☐ | Unit did not have bank reconciliations complete for the audit period |
| ☐ | ☐ | Unit did not have reconciliations between subsidiary ledgers and general ledger complete |
| ☐ | ☐ | Unit did not post previous years adjusting journal entries resulting in incorrect beginning balances in the general ledger |
| ☐ | ☐ | Unit did not have information required for audit complete by the agreed-upon time |
| ☐ | ☐ | Delay in component unit reports |
| ☐ | ☐ | Software - implementation issue |
| ☐ | ☐ | Software - system failure |
| ☐ | ☐ | Software - ransomware/cyberattack |
| ☐ | ☐ | Natural or other disaster |
| ☒ | ☐ | Other (please explain) |

Plan to Prevent Future Late Submissions

If the amendment is submitted to extend the due date, please indicate the steps the unit and auditor will take to prevent late filing of audits in subsequent years. Indicate NA if this is an amendment due to a change in cost only.

Additional Information

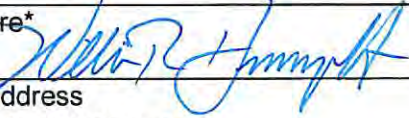
Please provide any additional explanation or details regarding the contract modification.

A death in the auditor's family caused a delay in finishing audit documentation in order to submit audit by the extended due date.

By their signatures on the following pages, the Auditor, the Primary Government Unit, and the DPCU (if applicable), agree to these modified terms.

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
William R. Huneycutt, CPA, PLLC	
Authorized Firm Representative* (typed or printed)	Signature*
William R. Huneycutt	
Date*	Email Address
12/27/21	steve@wrhuneycuttcpa.com

GOVERNMENTAL UNIT

Governmental Unit*	
City of Asheboro	
Date Primary Government Unit Governing Board Approved Amended	
Audit Contract* (If required by governing board policy)	
Mayor/Chairperson* (typed or printed)	Signature*
David Smith, mayor	
Date	Email Address
	dreaves@ci.asheboro.nc.us

Chair of Audit Committee (typed or printed, or "NA")	Signature
N/A	
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT

(Pre-audit certificate not required for hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer*	Signature*
N/A	
Date of Pre-Audit Certificate*	Email Address*

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2021-2022

WHEREAS, the City of Asheboro wishes to make a contribution to the Asheboro Housing Authority to support housing activities for senior citizens and low to moderate income households, and

WHEREAS, the City desires to appropriate \$91,000 from fund balance for this purpose, and

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: The following revenues line item is increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
10-399-0000	Fund Balance Appropriation	91,000

Section 2: The following expense line item is increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
10-490-3200	Grants	91,000

Adopted this the 6th day of January 2022.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND THE GENERAL FUND FY 2021-2022

WHEREAS, the City of Asheboro continues to look for ways to support the downtown businesses;
and;

WHEREAS, the need to fiber / broadband internet has been deemed as essential to support the redevelopment of the downtown area, and;

WHEREAS, the total cost of to extend fiber in the downtown area has increased by \$10K and is now at an estimated total cost of \$329,000, and;

WHEREAS, the City of Asheboro would like to appropriate fund balance from the General Fund for this cost to be transferred to the Economic Development Fund because the project scope covers multiple budget years, and

WHEREAS, the expense in the amount of the original budget of \$319,000 has already been incorporated in the Economic Development Fund and will be updated as needed in a future amendment, and

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

That the following Revenue line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-399-0000	Fund Balance Appropriation	\$329,000

That the following expense line items be increased:

<u>Line Item</u>	<u>Description</u>	<u>Increase</u>
10-490-7200	Contribution to Economic Development Fund - fiber	\$329,000

Adopted this the 6th day of January 2022.

David H. Smith, Mayor

ATTEST:

Holly H Doerr, CMC, NCCMC, City Clerk

RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION APPROVING THE RECENTLY RELEASED
GENERAL RECORDS AND PROGRAM RECORDS SCHEDULES
FOR LOCAL GOVERNMENT AGENCIES**

WHEREAS, pursuant to Chapters 121 and 132 of the General Statutes of North Carolina, records compiled by the city may only be destroyed with the consent of the North Carolina Department of Natural and Cultural Resources; and

WHEREAS, the Government Records Section of the Division of Archives and Records within the North Carolina Department of Natural and Cultural Resources has recently released two records retention schedules that are attached to this Resolution and are labeled as follows: (1) The “General Records Schedule: Local Government Agencies” is identified as EXHIBIT 1 and is hereby incorporated into this instrument by reference as if copied fully herein; and (2) The “Program Records Schedule: Local Government Agencies” is identified as EXHIBIT 2 and is hereby incorporated into this instrument by reference as if copied fully herein; and

WHEREAS, these retention schedules are the primary means by which the Department of Natural and Cultural Resources gives its consent for the destruction of records; and

WHEREAS, in consultation with the city clerk and city attorney, the city manager has recommended approval of the records retention schedules attached hereto as EXHIBIT 1 and EXHIBIT 2.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the attached “General Records Schedule: Local Government Agencies” and “Program Records Schedule: Local Government Agencies” are hereby approved; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that Mayor David H. Smith is hereby authorized and directed to execute on behalf of the municipal corporation the approval pages contained within the records retention schedules attached hereto as EXHIBIT 1 and EXHIBIT 2; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city clerk is hereby directed to transmit the executed approval pages for the records retention schedules to the appropriate officials/employees within the North Carolina Department of Natural and Cultural Resources.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of January, 2022.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

EXHIBIT 1

RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

October 1, 2021

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2021 General Records Schedule: Local Government Agencies

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 General Records Schedule: Local Government Agencies**:

1. Administration and Management Records
2. Budget, Fiscal, and Payroll Records
3. Geographic Information System Records
4. Human Resources Records
5. Information Technology Records
6. Legal Records
7. Public Relations Records
8. Risk Management Records
9. Workforce Development Records

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

Destructions

G.S. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

“(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.”

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.

Audits and Litigation Actions

Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

Electronic Records

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, G.S. § 132-6.1(a) specifies:

“Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software.”

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

Reference Copies

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when “*reference value ends*.” All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction “*destroy when reference value ends*.” If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction “*destroy when reference value ends*.”

Record Copy

A record copy is defined as “The single copy of a document, often the original, that is designated as the official copy for reference and preservation.”¹ The record copy is the one whose retention and disposition is mandated by this schedule; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to

¹ Society of American Archivists, *Dictionary of Archives Terminology*.

designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

Transitory Records

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”²

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with their appropriate retention schedule and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from a DNCR records analyst.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

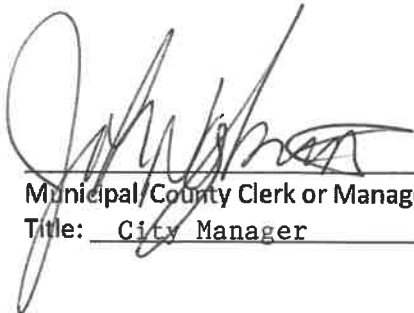
Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary’s seal), they must be retained according to the disposition instructions for the records series encompassing the forms’ function.

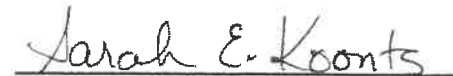
² Ibid.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes previous versions of this schedule and any localized amendments; it is to remain in effect from the date of approval until it is reviewed and updated.



Municipal/County Clerk or Manager
Title: City Manager

APPROVAL RECOMMENDED



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: Mayor

D. Reid Wilson, Secretary
Department of Natural and Cultural
Resources

Municipality/County: City of Asheboro

Effective: October 1, 2021

EXECUTIVE SUMMARY

- ✓ Some records are covered by the Local Agency Program Retention and Disposition Schedules. See the appendix for Related Records Series Found in Local Agency Program Schedules.
- ✓ According to N.C. Gen. Stat. § 121-5(b) and N.C. Gen. Stat. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (from Society of American Archivists, *Dictionary of Archives Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by N.C. Gen. Stat. § 121-5 and N.C. Gen. Stat. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions listed with the identified record series.
- ✓ The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management and scanning guidelines.
- ✓ The State Archives of North Carolina creates security preservation record copies for minutes and selected other records of governing bodies and commissions, adoption records, and maps and plats. Agencies can request copies of the digital images made during this process. Contact the appropriate Records Management Analyst to begin this process.

- ✓ If you have records that are not listed in this schedule, contact a Records Management Analyst. An analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do not have historical value, we will ask you to complete a Request for Disposal of Unscheduled Records (page A-20) for records that are no longer being created.

LEGEND FOR RECORDS SCHEDULE

This records retention and disposition schedule applies to records in all media, unless otherwise specified.



– symbol designating that one or more records in this series may be confidential or may include confidential information.

Item # – an identifying number assigned to each records series for ease of reference.

Series – “a group of similar records that are . . . related as the result of being created, received, or used in the same activity.” (From Society of American Archivists, *Dictionary of Archives Terminology*). Series in this schedule are based on common functions in government offices.

Records Series Title – a short identification of the records in a series, based on their common function.

Series Description – a longer description of the records in a series, often including the types of records that can frequently be found in that series. This information is included underneath the Records Series Title.

Disposition Instructions – instructions dictating the length of time a series must be retained and how the office should dispose of those records after that time.

Citation – a listing of references to statutes, laws, and codes related to the records series. Citations can include:

- Authority: governing the creation of records
- Confidentiality: limiting access to public records
- Retention: setting a retention period

Throughout this schedule, items that cross-reference other items within this schedule are indicated with a SEE ALSO reference. If you hover your cursor over one of these items, you will see the hand tool that will enable you to click on the item to follow the link to that location.

AUDITS: PERFORMANCE

Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records.

SEE ALSO: Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).

Sample records series title and description with cross-reference included

No destruction of records may take place if litigation or audits are pending or reasonably anticipated. See also AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS

Official records pertaining to the authority, operating philosophy, methods, primary functions, and routine office administration of local agencies.

1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.01	ABSTRACTS OF MUNICIPAL ELECTIONS Copies of abstracts prepared by the County Board of Elections and forwarded to the municipal clerk.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after <u>5 years from date of receipt.</u> <i>Retention Note: Official record maintained permanently by the County Board of Elections.</i>	Authority: G.S. 163-300
1.02	ACCREDITATION RECORDS Records documenting accreditations and certifications received by the agency. Includes applications, final reports, and other related records. Also includes evaluations of the agency by outside entities.	Destroy in office 5 years after superseded or obsolete.	Authority: 10A NCAC 48B
1.03	ADMINISTRATIVE DIRECTIVES, REGULATIONS, AND RULES @ Records documenting requirements or directives promulgated by the agency for the conduct of a business or activity on agency premises or under agency authority.	Destroy in office when superseded or obsolete.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.04	AUDITS: PERFORMANCE @ Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records. SEE ALSO: Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).	a) Retain in office permanently reports related to internal compliance or operational audits, hazardous material, or those that document a significant change in agency practices. b) Destroy in office PCI attestation reports after 3 years. c) Destroy in office remaining audit reports after 10 years. d) Destroy in office documentation of corrective measures 2 years after their implementation. e) Destroy in office working papers and remaining records when superseded or obsolete.	
1.05 	BLUEPRINTS AND SPECIFICATIONS @ Blueprints and specifications of agency owned buildings and facilities. Includes as-built plans and related records concerning approved changes.	a) Transfer as-built drawings to new owner when agency relinquishes ownership of building or facility. b) Retain in office as-built drawings for life of structure and then destroy. c) Destroy in office blueprints, floorplans, and other preliminary design and construction documents when superseded or obsolete.	Confidentiality: G.S. 132-1.7

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.06	BONDS Records documenting written guarantees from a third party, including bid bonds, payment bonds, performance bonds, and surety bonds. SEE ALSO: Bids for Purchase (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), and Projects (below).	Destroy in office 5 years after expiration or cancellation.	
1.07	BULLETINS Internal information sharing materials that circulate information within the agency. Also includes memoranda and newsletters.	Destroy in office when superseded or obsolete.	
1.08	BUSINESS CERTIFICATION RECORDS Applications and supporting documentation submitted by businesses to be certified as a Small Business Enterprise (SBE) or other classification.	a) Destroy in office all documentation 3 years after most recent recertification. b) If certification was never issued, destroy in office all documentation when reference value ends.± Agency Policy: Destroy in office after 3 years from date of receipt.	
1.09	BUSINESS DEVELOPMENT SUBJECT FILE	Destroy in office after 3 years.	
1.10	CALENDARS OF EVENTS AND APPOINTMENTS	Destroy in office when superseded or obsolete.	
1.11	CENSUS PROJECT RECORDS Records created to assist the U.S. Census Bureau with the decennial census.	Destroy in office when reference value ends.± 11 years from date Agency Policy: Destroy in office after creation of record.	

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.12	CHARTER RECORDS Charter and charter proceedings related to adoption, amendment and/or repeal.	Retain in office permanently.	
1.13	COLLECTED DATA Information and statistics compiled and analyzed for research purposes or to support the functions of the agency. SEE ALSO: Data Warehouses (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	Destroy in office when superseded or obsolete.	If data contains confidential information, abide by relevant restrictions.

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.14	CONSTITUENT COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS @ Records concerning objections, dissatisfaction, or disagreements with actions or positions taken or not taken by the agency. Includes comments and petitions submitted by constituents requesting action as well as routine requests for service. Also includes requests for reasonable accommodation to the general public under Title II of the Americans with Disabilities Act, Housing and Urban Development Act, 1973 Rehabilitation Act, and Title VII of the Civil Rights Act of 1964; including constituent requests, survey of agency buildings to determine accessibility to the physically handicapped, proposals for implementation, correspondence (including e-mail), and resolutions. SEE ALSO: Civil Rights Records (STANDARD 6: LEGAL RECORDS).	a) Transfer records as applicable to Litigation Case Records (STANDARD 6: LEGAL RECORDS). b) Destroy in office comments, complaints, petitions, and requests 1 year after resolution.* c) Destroy in office accommodation requests 2 years after resolution.*	Authority: 42 USC 12132
1.15	CONSTITUENT SURVEYS Surveys and related records addressing agency services, policies, and other concerns.	Destroy in office when reference value ends.± 3 years from date Agency Policy: Destroy in office after <u>of distribution</u> of	results of survey.

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.16	CORRESPONDENCE AND MEMORANDA Administrative and management correspondence/memoranda (including e-mail) written or received by the office concerning agency authority, operating philosophy, purpose, methods, and any other function. For information on handling e-mail and text or instant messages, see ELECTRONIC RECORDS, page A-11. SEE ALSO: Public Bodies: Correspondence (below) and Legal Correspondence (STANDARD 6: LEGAL RECORDS).	a) Transfer correspondence (including e-mail) with historical value to History Records (below), after 3 years. b) Destroy routine administrative correspondence and memoranda after 1 year. c) Destroy in office remaining records after 3 years. <i>Retention Note: The correspondence (including e-mail) of the most senior administrator has historical value and should be retained permanently.</i>	
1.17	CUSTOMER CALL CENTER RECORDINGS @ Recordings of calls to customer service centers made for quality assurance and training purposes.	Destroy in office after 30 days.	
1.18	EQUIPMENT AND VEHICLE MAINTENANCE, REPAIR, AND INSPECTION RECORDS @ Records concerning the maintenance, repair, routine testing, and inspection of agency owned equipment and vehicles. Also includes warranties. SEE ALSO: Grants (below), and System Maintenance Records: Hardware Repair or Service (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	a) Destroy in office records documenting routine inspections, janitorial cleaning, and routine maintenance of equipment and vehicles after 1 year.* b) Destroy in office records documenting all other maintenance and repairs after 3 years.* c) Destroy in office warranties 1 year after expiration.	

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.19	EQUIPMENT AND VEHICLE REFERENCE RECORDS Includes operation, specification, and technical manuals. Also includes brochures, bulletins, and related documentation.	Destroy in office when superseded or obsolete.	
1.20	EQUIPMENT, FACILITY, AND VEHICLE USAGE RECORDS Records documenting the assignment, request, and usage of agency assets. Also includes mileage and checkout logs, fuel consumption reports, reservation requests, authorizations, utility usage logs, and similar records.	a) Destroy in office after 3 years if records are used for allocating costs or determining payment under rental or lease agreements.* b) Destroy in office remaining records after 1 year.	
1.21	FACILITY MAINTENANCE, REPAIR, AND INSPECTION RECORDS Records documenting maintenance, repair, and inspection of agency-owned facilities, including warranties on said repairs. Also includes any real property owned by the agency. SEE ALSO: Contracts, Leases, and Agreements (STANDARD 6: LEGAL RECORDS), Property Management Records (below).	a) Destroy in office records documenting system repair and improvement (including plumbing, electrical, fire, and other systems) after 3 years. b) Destroy in office records documenting routine inspections, janitorial cleaning, environmental monitoring, and routine maintenance of facilities after 1 year. c) Destroy in office warranties 1 year after expiration.	
1.22	FORMS AND TEMPLATES Blank forms, templates, and letterhead used to create agency records.	Destroy in office when superseded or obsolete.	

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.23	GRANT PROPOSALS Proposals submitted for grants, including applications, correspondence (including e-mail), and other related records.	a) Transfer records concerning approved grants to Grants (below). b) Destroy in office rejected or withdrawn grant proposals when reference value ends.± Agency Policy: Destroy in office after 1 year from date of rejection or withdrawal.	
1.24	GRANTS@ Records concerning approved federal, state, and private grants. File includes applications, reports, records of equipment purchased with grant funds, and all relevant programmatic records. Also includes any required certifications and disclosures, documentation about grants issued by the agency, and research records generated as part of a grant project. SEE ALSO: Grants: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).	a) Destroy records supporting the expenditure of federal funds passed through NC DHHS on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions. b) Destroy in office records of state and private grants 5 years after final financial report is filed.* c) Destroy in office records of grants funded by local appropriations and other federal grants 3 years after final financial report is filed. d) Destroy in office records not relating to a specific grant after 1 year. <i>Retention Note: According to 2 CFR 200.333(c), records for real property and equipment acquired with Federal funds must be retained for 3 years after disposition of the property/equipment.</i>	Retention: 09 NCAC 03M .0703 2 CFR 200.333

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.25	HISTORICAL DESIGNATIONS RECORDS Records concerning the awarding of historical markers by the agency. Includes applications, review materials, and list of markers.	a) Retain in office permanently the list of historical markers along with the accepted applications. b) Destroy in office after 1 year rejected applications. c) Destroy in office remaining materials after 3 years.	
1.26	HISTORY RECORDS (AGENCY AND EMPLOYEES) Records concerning the history of the agency and its employees. Includes published and unpublished histories, biographical data, photographs, newspaper clippings, and other related records.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends. [±] Agency Policy: Destroy in office after superseded or obsolete.	
1.27	IMPROPER CONDUCT INVESTIGATIONS Records concerning investigations triggered by questions about ethics or conduct within an agency, such as whistleblower reports or allegations of fraud. Includes complaints, reports, investigations, and other related records. Also includes records from an ombuds office.	Destroy in office 3 years after resolution.*	
1.28	INDICES @ Listings of where specific information can be found.	Destroy in office when superseded or obsolete.	
1.29	INTERAGENCY PROGRAMS Records of programs involving more than one government agency. Includes resource materials, program information, and other related records.	Destroy in office when reference value ends. [±] Agency Policy: Destroy in office after 3 years from date of program close-out.	

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.30	INVENTORIES @ Inventories describing the type of property (including equipment and facilities other and fixed assets), its location, and related information. Also includes inventory control and usage records, such as requisitions/draw tickets, mileage logs, request forms, and other related records.	a) Destroy in office lists of properties, facilities, fixed assets, supplies, and surplus property when superseded or obsolete. b) Destroy in office inventory control and usage records after 3 years.	
1.31	LEGISLATION AND REGULATORY RECORDS Notices and copies of proposed or adopted state or federal legislation or regulations affecting the agency.	Destroy in office when reference value ends.± 1 year from date of receipt of updated notices. Agency Policy: Destroy in office after	
1.32	LOGISTICS MATERIALS Records concerning scheduled plans of agency personnel and activities. Includes routine notices, task lists, and arrangements.	Destroy in office when superseded or obsolete.	
1.33	MAIL: UNDELIVERABLE/RETURNED Outgoing agency mail returned by the post office for any reason, including insufficient postage, incorrect address, forwarding order expired, etc. Also includes outgoing e-mail returned for any reason.	Destroy in office after 30 days. <i>Retention Note: If notification is necessary for a particular process, reference the relevant case file for disposition instructions (e.g., tax notifications).</i>	
1.34 	MAILING AND DISTRIBUTION RECORDS Includes mailing and meeting notification lists, e-mail distribution lists, Sunshine Lists, and related documentation of transactions with the U.S. Postal Service, state courier, or private carriers.	a) Destroy in office Sunshine Lists when superseded or obsolete. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after 3 years.	Confidentiality: G.S. 132-1.12 G.S. 132-1.13

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.35	MEMBERSHIP RECORDS Records concerning associations, organizations, groups, etc., with which the agency is involved. Includes records concerning memberships or registrations on behalf of the agency or agency personnel.	Destroy in office when superseded or obsolete.	
1.36	MISCELLANEOUS (NON-BUILDING) APPLICATIONS, LICENSES, AND PERMITS Includes, but not limited to, applications and permits regarding free government-issued business permits, burning, special events, and landscape establishment.	a) Destroy in office 1 year after expiration of license/permit. b) Destroy in office applications for which a license/permit was never issued when reference value ends.± Agency Policy: Destroy in office after <u>1 year</u> .	
1.37	 OFFICE AND PROPERTY SECURITY RECORDS Records concerning the security of agency offices, facilities, vehicles, equipment, property, and personnel. Includes visitors' register; security, employee, or contractor access to facilities or resources; and surveillance system reports and recordings. SEE ALSO: Employee Security Records (STANDARD 8: RISK MANAGEMENT).	a) If the recording necessitates law enforcement action, transfer to the appropriate agency. b) If the recording becomes evidence in a personnel investigation or lawsuit, transfer to Disciplinary Actions (STANDARD 4: HUMAN RESOURCES RECORDS), or Litigation Case Records (STANDARD 6: LEGAL RECORDS). c) Destroy in office recordings not required to support known investigations or litigation after 30 days. d) Destroy in office remaining records after 1 year.	Confidentiality: G.S. 132-1.7

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.38	ORDINANCES Includes code of ordinances. See the SECURITY PRESERVATION COPIES OF RECORDS section on page A-15 for instructions on imaging.	a) Retain in office official copy permanently. b) Destroy in office ordinance development records when ordinance is no longer in effect. c) Destroy in office additional copies (including tabled or failed ordinances) when reference value ends.± Agency Policy: Destroy in office after 3 years .	
1.39	PEST CONTROL Records concerning pest abatement or eradication programs overseen by the agency. SEE ALSO: Facility Maintenance, Repair, and Inspection Records (above).	Destroy in office after 3 years.*	
1.40	PHONE LOGS Records documenting calls placed and received in the course of conducting agency business. SEE ALSO: Accounts Payable (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Voice over Internet Protocol (VoIP) Records (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	Destroy in office after 1 year.	

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.41	POLICIES AND PROCEDURES @ Records documenting the formulation, planning, and adoption of policies, procedures, and functions of the agency and its departments. File also includes organizational charts, reorganization studies, and similar records describing the arrangement and administrative structure of the agency. SEE ALSO: Civil Rights Records (STANDARD 6: LEGAL RECORDS), Policies and Procedures (Personnel) (STANDARD 4: HUMAN RESOURCES RECORDS), Electronic Records Policies and Procedures (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
1.42	POLL LIST/REGISTRATION LIST/ROSTER/AUTHORIZATION TO VOTE (ATV) @ Lists documenting registered electors and votes cast prior to County Board of Elections taking over municipal elections. Includes electronic or paper ATV related records such as ATV books, forms, unused stickers, lists, registers, indexes, or similar records used to verify persons are registered voters at each polling location.	Contact State Archives of North Carolina prior to destroying old poll books and voter registration books.	Authority: G.S. 163 Art. 15A G.S. 163-166.7 08 NCAC 10B .0103 52 USC Chap. 205
1.43	PRICE QUOTATIONS	Destroy in office when reference value ends.± Agency Policy: Destroy in office after 3 years .	

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.44	PROCLAMATIONS AND ORDERS Proclamations and orders issued by the governing board.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after <u>approved meeting minutes</u> .	
1.45	PROJECTS @ Includes project correspondence (including e-mail), feasibility studies, final reports, specifications, assessments, notices to proceed, cost estimates, change orders, statements of work, and similar documentation. SEE ALSO: Project Documentation (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records 3 years after completion of project.	
1.46	PROPERTY MANAGEMENT RECORDS Includes appraisals of the financial valuation of agency-owned property as well as surveys, plats, and maps. SEE ALSO: Facility Maintenance, Repair, and Inspection Records (above).	Destroy in office when superseded or obsolete.	

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.47	PUBLIC BODIES: AGENDA AND MEETING PACKETS Includes agendas and copies of supporting documentation and exhibits submitted and discussed during meetings of public bodies. Also includes documentation of outside meetings attended by agency personnel. SEE ALSO: Public Bodies: Minutes (below).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends. [±] Agency Policy: Destroy in office after 3 years with the exception of notes taken by City Clerk for preparation of the meeting minutes. Clerk's notes are destroyed in office after adoption of meeting minutes.	
1.48	PUBLIC BODIES: APPLICATIONS FOR APPOINTMENT Applications and related records received from individuals applying for appointments to serve on public boards, commissions, councils, and committees.	a) Destroy in office records concerning appointed individuals 1 year after expiration of term. b) Destroy in office remaining records when reference value ends. [±] Agency Policy: Destroy in office after date of receipt.	
1.49	PUBLIC BODIES: APPOINTMENT REPORTS Includes annual appointment reports filed with the NC Department of the Secretary of State.	Destroy in office after 2 years.	Authority: G.S. 143-157.1
1.50	PUBLIC BODIES: AUDIO AND VIDEO RECORDINGS OF MEETINGS SEE ALSO: Public Bodies: Minutes (below).	Destroy in office after approval of official written minutes. NOTE: If these serve as the official minutes, as allowed by G.S. 143-318.10(e), their retention should be permanent. These disposition instructions apply to recordings produced solely for the purpose of generating official written minutes.	

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.51	PUBLIC BODIES: CORRESPONDENCE Records documenting internal and external communications of governing and advisory board members. Includes correspondence (including e-mail) related to decision-making, policy development, and other high-level planning as well as logistical communications.	a) Transfer correspondence (including e-mail) with historical value to History Records (above), after 3 years. b) Destroy in office remaining records after 3 years.	
1.52	PUBLIC BODIES: MEETING NOTICES Includes notices and regular meeting schedules. SEE ALSO: Affidavits of Publication (STANDARD 6: LEGAL RECORDS), Publicity Records (STANDARD 7: PUBLIC RELATIONS RECORDS).	Destroy in office after 1 year.	
1.53	PUBLIC BODIES: MEMBER FILES Records concerning members of public boards, commissions, councils, and committees. Includes codes of conduct, ethics statements, agreements, notices of resignation, and other related records. Also includes biographical information and waivers. SEE ALSO: Oaths of Office (STANDARD 6: LEGAL RECORDS), Public Bodies: Applications for Appointment (above).	a) Retain in office records with historical value permanently. b) Destroy in office 1 year after superseded or obsolete waivers from board members choosing not to receive stipend/per diem payments. c) Destroy in office remaining records 1 year after service ends.	

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.54	PUBLIC BODIES: MINUTES Includes minutes of the governing board and all subsidiary and advisory boards. Subsidiary boards are defined as boards that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, or administrative functions. Also includes minutes of subcommittees of the governing board and its subsidiary and advisory boards. See the SECURITY PRESERVATION COPIES OF RECORDS section on page A-15 for instructions on imaging. SEE ALSO: Ordinances (above), Public Bodies: Agenda and Meeting Packets (above), Public Bodies: Audio and Video Recordings of Meetings (above), Resolutions (below).	a) Retain in office permanently official minutes of the governing board and its subsidiary boards as well as all attachments necessary to understand the body's actions. b) The official minutes of advisory boards may be destroyed only upon approval by the State Archives of North Carolina. The State Archives reserves the right to designate the minutes of any advisory board as permanent. c) Destroy in office minutes of committees or subcommittees when reference value ends, if the minutes or actions and decisions of the committee are entered as part of the minutes of the parent board. If minutes or actions and decisions of the committee or subcommittee in question are not entered as part of the minutes of the parent board, the State Archives reserves the right to designate the minutes as permanent.± incorporation into the minutes of the parent board; Agency Policy: Destroy in office after otherwise retain permanently.	Authority: G.S. 143-318.10
1.55	RATE AND FEE SCHEDULES @ Records relating to rates, fees, and regulations concerning agency services.	Destroy in office when superseded or obsolete.	

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STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.56	REBATE PROGRAM RECORDS Applications, receipts, and related records concerning rebate programs sponsored by the agency. These records document programs and incentivized actions that residents may opt into.	a) Destroy in office financial records 3 years after approval.* b) Destroy in office applications 1 year after approval. c) Destroy in office denied applications when reference value ends.± Agency Policy: Destroy in office after <u>3 years from date of denial.</u>	
1.57	RECORDS MANAGEMENT Includes correspondence (including e-mail) with state and/or federal agencies with regards to records retention. Also includes records disposition documentation, file plans, and copies of records retention and disposition schedules.	a) Retain in office documentation concerning the final disposition of records permanently. b) Destroy in office remaining records when superseded or obsolete.	
1.58	REFERENCE (READING) FILE Subject files containing informational copies of records organized by areas of interest. Also includes materials that have no regulatory authority for the recipient and are received from outside the agency or from other units within the agency as well as reference copies of documents where another individual or agency is responsible for maintaining the record copy.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after <u>superseded or obsolete.</u>	

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STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
1.59	REPORTS AND STUDIES @ Records concerning the performance of a department, program, or project, as well as those created for planning purposes. Includes all annual, sub-annual, or irregularly prepared research studies, reports, and studies generated by an agency or prepared by consultants hired by the agency. Also includes reports required to be submitted to the agency. SEE ALSO: Accident/Incident Reports (STANDARD 8: RISK MANAGEMENT RECORDS), Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Audits: Performance (above), Budget Reports (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Civil Rights Records (STANDARD 6: LEGAL RECORDS), Financial Reports (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Grants (above), Lost, Stolen, or Damaged Property Reports (STANDARD 8: RISK MANAGEMENT RECORDS), Projects (above), Public Bodies: Appointment Reports (above), Strategic Plan (below), and Unemployment Compensation Reports (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Retain in office permanently 1 copy of all annual and biennial reports written by the agency. b) Retain in office permanently reports and studies prepared by request of an agency's governing body or a court. c) Destroy in office after 3 years reports prepared monthly, bimonthly, or semi-annually. d) Destroy in office after 1 year activity reports concerning workload measurements, time studies, number of jobs completed, etc., prepared on a daily or other periodic basis. e) Destroy in office when superseded or obsolete reports required to be submitted to the agency. f) Destroy in office remaining reports and studies when reference value ends.± Agency Policy: Destroy in office after <u>3 years</u>. <i>Retention Note: Reports and studies listed elsewhere in this schedule should be retained the specified period of time.</i>

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.60	REQUESTS FOR INFORMATION Requests received and responses issued by the agency. SEE ALSO: Public Records Requests (STANDARD 7: PUBLIC RELATIONS RECORDS).	Destroy in office after 1 year after resolution.	
1.61	REQUESTS FOR PROPOSALS (RFP) Proposals submitted by vendors in response to requests from agency. Also includes notices and evaluations produced by the agency. SEE ALSO: Bids for Purchase (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS), Price Quotations (above).	Destroy in office when reference value ends.± Agency Policy: Destroy in office after <u>3 years.</u>	
1.62	RESOLUTIONS File consists of resolutions indicating date, issues or policy involved, and appropriate signatures. See the SECURITY PRESERVATION COPIES OF RECORDS section on page A-15 for instructions on imaging.	a) Retain in office permanently one copy of final resolution. b) Retain in office permanently resolution development records with historical value. c) Destroy in office additional copies of resolutions (including those tabled or failed) along with all remaining development records when reference value ends.± Agency Policy: Destroy in office after <u>3 years.</u>	

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.63	STAFF MEETINGS FILE Records concerning meetings of internal committees, groups, or task forces along with external meetings attended by agency personnel. Includes minutes, agendas, meeting packets, visual aids, presentations, notes, recordings, and other related records.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records after 1 year.	
1.64	STRATEGIC PLAN @ Long-range plan outlining policies, guidelines, and plans for future development of the agency. Includes official copy of strategic plan and all background surveys, studies, and reports. Also includes business plans as well as mission statements, goals, and objectives.	a) Retain in office strategic plans permanently. b) Destroy in office background surveys, studies, and reports 5 years after adoption of plan. c) Destroy in office business plans 2 years after execution of plan. d) Destroy in office remaining records when superseded or obsolete.	
1.65	SURPLUS PROPERTY Inventories and reports of agency property to be surplus.	Destroy in office 3 years after disposition of property.*	
1.66	TRACKING MATERIALS Records intended to verify the receipt of information, such as certified mail receipts.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after <u>3 years.</u>	

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1: Administration and Management

STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.67	TRAVEL REQUESTS Requests and authorizations for travel. Includes forms and itineraries. SEE ALSO: Price Quotations (above), Travel Reimbursements (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).	Destroy in office after 1 year.*	
1.68	VEHICLE REGISTRATION CARDS North Carolina registration cards for vehicles in the agency fleet. SEE ALSO: Vehicle Titles (STANDARD 6: LEGAL RECORDS).	Destroy in office when superseded.	
1.69	WORK ORDERS Includes date and location of work, cost of materials used and labor, type of work performed, and other related records regarding the repairs of equipment, facilities, and vehicles.	a) If this is the only record documenting completed work, follow disposition instructions for Facility Maintenance, Repair, and Inspection Records (above), or Equipment and Vehicle Maintenance, Repair, and Inspection Records (above). b) Destroy in office remaining records 1 year after work is completed.*	

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STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS

Records created and accumulated concerning the managerial control, budgeting, disbursement, collection, and accounting of the agency.

Note: Per 26 CFR 1.148-5(d)(6)(iii)(E), all records necessary to support the tax-exempt status of an agency debt issue must be retained for the life of the debt plus 3 years.

2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.01	ACCOUNTS PAYABLE Records concerning the status of accounts in which the agency owes money to firms or individuals. Includes invoices, reimbursements, receipts or bills of sale, check registers, and subsidiary registers. Also includes stop payment notices.	a) Destroy in office 5 years after payment documentation of reimbursement for business expenses to employees. b) Destroy in office all remaining records 3 years after payment.*	Retention: 04 NCAC 24D .0501(a)(3)(i)
2.02	ACCOUNTS RECEIVABLE @ Records concerning receivables owed and collected. Includes billing statements, records of payment received, remittances, subsidiary registers, overpayment or refund records, deposits, fines and fees assessed, and collection of past due accounts. Also includes records concerning accounts sent to NC Debt Setoff Program for collection.	Destroy in office 3 years after collection.*	G.S. 105A

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2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.03	ACCOUNTS UNCOLLECTABLE Records of accounts deemed uncollectable, including returned checks, write-off authorizations, and other related records.	Destroy in office 3 years after account is determined to be uncollectable.*	
2.04	ANNUAL BUDGET Annual budget and budget message submitted to governing board for approval. SEE ALSO: Budget Reports (below).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records after 3 years. <i>Retention Note: Annual budgets should be entered into the minutes of the governing board.</i>	Authority: G.S. 159-11
2.05	ARBITRAGE RECORDS Records concerning arbitrage rebate calculations and funds rebated.	Destroy in office 3 years after final redemption date of the bonds and after all related debts and obligations have been satisfied.*	Authority: 26 CFR 1.148-3
2.06	AUDITS: FINANCIAL @ Records concerning internal and external audits. Includes reports, working papers, and related records. SEE ALSO: Audits: Performance (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office permanently final reports related to internal compliance or operational audits or those that document a significant change in agency practices or have significant administrative value. b) Destroy in office after 10 years final reports related to internal accounting systems and controls and those with limited administrative value. c) Destroy in office working papers and remaining records when superseded or obsolete.*	Authority: G.S. 159-34
2.07	AUTHORIZATION FORMS Authorization to purchase materials.	Destroy in office after 3 years.*	

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2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.08	BANK STATEMENTS AND RECONCILIATIONS Includes bank statements, canceled checks, deposit slips, and reconciliation reports.	Destroy in office after 3 years.*	
2.09	BIDS FOR DISPOSAL OF PROPERTY Records concerning the disposal of surplus property. Includes information about various disposition procedures used, such as sealed bids and public auction. SEE ALSO: Accounts Receivable (above).	Destroy in office all records after the disposition of property has been recorded in governing board's minutes.*	Authority: G.S. 153A-176
2.10	BIDS FOR PURCHASE Records documenting quotes to supply products and services. Includes advertisements, tabulations, awards letters, records of bids, good faith effort documentation, and related records concerning accepted and rejected bids.	a) Transfer records to Contracts, Leases, and Agreements (STANDARD 6: LEGAL RECORDS) when bid is approved. b) Destroy in office bid records not awarded or opened after 1 year.*	Authority: G.S. 143 Article 8
2.11	BOND CLOSING RECORDS Includes applications, agreements, tax records, contracts, official statements, legal opinions, rating letters, public hearing bonds, title insurance, deeds of trust, and other related records concerning bonds issued by the agency. Also includes records concerning expenditure and/or investment of bond proceeds.	Destroy in office 6 years after final maturity.*	Authority: G.S. 159 Article 7

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2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.12	BOND REGISTER Records of all bonds, notes, and coupons issued by the agency detailing the purpose of issuance, the date of issue, serial numbers (if any), denomination, maturity date, and total principal amount.	Retain in office permanently.	Authority: G.S. 159-130
2.13	BONDS, NOTES, AND COUPONS	Destroy in office 1 year from date of payment.	Authority: G.S. 159-139
2.14	BUDGET ADMINISTRATION RECORDS Records of budget administration. Includes research, correspondence (including e-mail), and other related records.	Destroy in office after 2 years.*	
2.15	BUDGET EXECUTION RECORDS Records of authorizations to move funds between budget codes.	Destroy in office when released from audits.	
2.16	BUDGET REPORTS Includes daily detail reports and monthly budget reports. Also includes contract budget and expenditure reports and summaries of tax allocations. SEE ALSO: Annual Budget (above).	a) Destroy in office daily detail reports after 1 year.* b) Destroy in office remaining reports after 3 years.*	
2.17	BUDGET REQUESTS AND WORKING PAPERS Includes budget requests, cost estimates, expenditures, program requests, salary and wage lists, correspondence (including e-mail), and related records.	Destroy in office after 3 years.*	Authority: G.S. 159-10

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2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.18	BUDGET RESOLUTIONS AND ORDINANCES Includes project ordinances, budget resolutions, and amendments. SEE ALSO: Public Bodies: Minutes (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain official copies in the minutes of the governing board. b) Destroy in office remaining copies when reference value ends. [±] Agency Policy: Destroy in office after <u>1 year from the end of the fiscal year</u> . Destroy in office after 3 years.*	Authority: G.S. 159-8 G.S. 159-13 G.S. 159-13.2 G.S. 159-15
2.19	COST ALLOCATION PLANS Accounting report that calculates and spreads agency-wide indirect costs to departments and funds that receive a service from other departments.		
2.20 	CREDIT/DEBIT/PROCUREMENT CARD RECORDS Records of assignment of agency credit cards and purchasing cards along with authorization logs.	Destroy in office when superseded or obsolete.*	Confidentiality: G.S. 132-1.2(2)
2.21	DONATIONS AND SOLICITATIONS Records concerning requests made to agency by outside organizations. Includes applications and other related records. SEE ALSO: Fund Drive and Event Records (STANDARD 7: PUBLIC RELATIONS RECORDS).	a) Destroy in office records supporting approved donations 1 year after payment. b) Destroy in office rejected applications after 30 days.	
2.22 	ELECTRONIC FUNDS TRANSFERS (EFT) Includes forms authorizing electronic transfer of monies via wire transfer or automated clearing house (ACH) as well as ACH bank reports.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. 14-113.20

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2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.23	ESCHEATS AND UNCLAIMED PROPERTY Records containing information required to be included in holder reports submitted to the State Treasurer's office.	a) Destroy in office after 10 years if report was filed prior to July 16, 2012.* b) Destroy in office after 5 years if report was filed on or after July 16, 2012.*	Authority: G.S. 116B-60 Retention: G.S. 116B-73
2.24	FINANCIAL JOURNALS AND LEDGERS	a) Destroy in office year-end summaries of receipts and disbursements after 3 years.* b) Destroy in office daily, monthly, or quarterly transaction detail journals and ledgers after 1 year.*	
2.25	FINANCIAL REPORTS	a) Destroy in office annual financial reports or other reports generated to inform decision-making after 3 years.* b) Destroy monthly or quarterly reports generated for operational purposes after 1 year. c) Destroy logs and distribution reports generated to track transactions when released from audits.	
2.26	GOVERNMENT EMPLOYEES RETIREMENT SYSTEM MONTHLY REPORTS Reports produced by the North Carolina Department of State Treasurer regarding the Teachers' and State Employees' Retirement System (TSERS) and the Local Governmental Employees' Retirement System (LGERS).	Destroy in office when reference value ends.± Agency Policy: Destroy in office after <u>1</u> year.	

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2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.27	GRANTS: FINANCIAL @ Records concerning approved federal, state, and private grants received or issued by the agency. Includes all relevant accounting, purchasing, payroll, and other financial records. SEE ALSO: Grants (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Destroy records supporting the expenditure of federal funds passed through NC Dept. of Health and Human Services on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions. b) Destroy in office records of state and private grants 5 years after final financial report is filed.* c) Destroy in office records of grants funded by local appropriations and other federal grants 3 years after final financial report is filed. d) Destroy in office records not relating to a specific grant or to grants not funded after 1 year. <i>Retention Note: According to 2 CFR 200.333(c), records for real property and equipment acquired with Federal funds must be retained for 3 years after disposition of the property/equipment.</i>	Retention: 09 NCAC 03M .0703 2 CFR 200.333
2.28	INVESTMENTS Includes fund information, portfolio listings and reports, balance sheets, exchange or consent instructions, broker confirmations, notices, and other documentation related to agency investments. Also includes transaction schedules for projecting revenue on investments as well as performance investment reports issued by broker or investment firm.	a) Destroy in office transaction schedules after 2 years.* b) Destroy in office performance investment reports when reference value ends.± Agency Policy: Destroy in office after <u>3</u> years. c) Destroy in office all remaining records after 3 years.*	Authority: G.S. 159-30

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2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.29	LOAN RECORDS Records concerning loans received by the agency. Includes documentation of intent to proceed, loan agreements, promissory notes, letters of credit, statements, notices of principal and interest due, and other related records.	Destroy in office 5 years after satisfaction or cancellation of loan.*	
2.30	LOCAL GOVERNMENT COMMISSION FINANCIAL STATEMENTS	Destroy in office after 3 years.*	Authority: G.S. 159-33
2.31	LONGEVITY PAY	Destroy in office after 5 years.*	Retention: 04 NCAC 24D .0501(a)
2.32 	PAYMENT CARD DATA Records created in association with payment card transactions entered by third parties for the purchase of goods or services from the agency.	Destroy in office after processed.*	Confidentiality: G.S. 132-1.2(2) G.S. 132-1.10(b)(5)

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2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
2.33 	PAYROLL AND EARNINGS RECORDS Records containing information such as the name, Social Security number, number of hours worked, compensation rate, deductions, and total wages paid each employee per payroll period. Also includes employer contributions (e.g., retirement, healthcare) along with individual and group employee earnings records and payroll registers showing earnings and deductions for each pay period. SEE ALSO: Payroll Deduction Records (below), Time Sheets, Cards, and Attendance Records (below); for 401(k) and other retirement plan payouts, see Retirement Records (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Destroy in office 30 years from date of separation records necessary for retirement or similar benefits verification. b) Destroy in office remaining records after 5 years.* CITATION Authority: 29 CFR 516.30(a) Confidentiality: G.S. 132-1.10 G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 04 NCAC 24D .0501(a) 29 CFR 516.5(a) 29 CFR 1627.3(a)

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2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.34 	PAYROLL DEDUCTION RECORDS Records used to start, modify, or stop all voluntary or required deductions from payroll. Includes tax withholding (NC-4, W-4), retirement and deferred compensation, savings plans, insurance, association dues, orders of garnishment, etc. Used as proof the employee approved of the deduction(s). SEE ALSO: Payroll and Earnings Records (above), Retirement Records (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Destroy in office tax withholding forms 4 years after termination of deduction.* b) Destroy in office authorizations for deductions for retirement contributions, bank payments, savings plans, insurance, and dues 2 years after termination of deduction. c) Destroy in office remaining records 3 years after termination of deduction.*	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: IRS Publication 15 29 CFR 516.6(c)(1)
2.35	POWELL BILL RECORDS Records include certified statements, expenditures reports, information sheets, financial statements submitted to the North Carolina Department of Transportation, and all other related records.	Destroy in office after 3 years.	
2.36	PURCHASE ORDERS Records, forms, packing slips, and attached documents concerning purchased supplies, equipment, and services. SEE ALSO: Grants: Financial (above).	Destroy in office after 3 years.* <i>Retention Note: Packing slips may be destroyed upon verification of items received if they are not the only record of the purchase of the item.</i>	
2.37	QUALIFIED PRODUCTS LISTS (QPL) Records identifying products approved for purchase by the agency.	Destroy in office 3 years after superseded or obsolete.*	

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2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.38	REQUISITIONS Requests for payment or to acquire goods or services. SEE ALSO: Inventories (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Destroy in office after 1 year.*	
2.39	SCHOLARSHIP RECORDS Records concerning scholarships awarded by the agency. Includes applications, award letters, conditions and stipulations, agreements and contracts, disbursement statements, progress reports, and other related records.	a) Destroy in office after 3 years records documenting the awarding of scholarships. b) Destroy in office 1 year after notification of applicant records concerning applications that are denied by the agency or awards that are declined by the recipient.	
2.40	SHIFT PREMIUM PAY Authorizations and other related records concerning employees receiving shift premium pay.	Destroy in office after 5 years.*	Retention: 04 NCAC 24D .0501(a)
2.41	STATEMENTS OF BACK PAY Forms used to determine the gross pay an employee would have earned during a specified period for back pay in a grievance decision, settlement agreement, or other order.	Destroy in office 3 years after payment.*	

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2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.42 	TAX FORMS Tax information returns generated by the agency (e.g., 1098, 1099, W-2, W-3) to be reported to the Internal Revenue Service and furnished to the other party to the transaction.	Destroy in office 5 years after submitted to taxpayer and/or IRS. *	Confidentiality: G.S. 132-1.10 G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 04 NCAC 24D .0501(a) IRS Publication 15
2.43	TAX RETURNS Tax returns filed by the agency.	Destroy in office 6 years after filed. *	
2.44	TIME SHEETS, CARDS, AND ATTENDANCE RECORDS Records documenting the work hours and attendance of employees. SEE ALSO: Payroll and Earnings Records (above).	Destroy in office after 5 years. *	Retention: 04 NCAC 24D .0501(a) 29 CFR 516.6(a)(1)

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2: Budget, Fiscal, and Payroll

STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
2.45	TRAVEL REIMBURSEMENTS Includes requests and authorizations for reimbursement for travel and related expenses. SEE ALSO: Grants: Financial (above), Travel Requests (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Destroy in office after 5 years.*	Retention: 04 NCAC 24D .0501(a)
2.46	 VENDORS Files maintained on specific vendors authorized or debarred from doing business with the agency. Includes name and address, correspondence (including e-mail), and other related records.	Destroy in office when superseded or obsolete.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS

Official records received and created by agency geographic information system programs. See G.S. 132-10 for information about providing public access to GIS databases.

3: GIS

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.01	GEOGRAPHIC INFORMATION SYSTEM (GIS) CORE DATA Geo-referenced data and metadata to facilitate the management, manipulation, analysis, modeling, representation, and spatial analysis of complex problems regarding planning and management of resources.	Retain in office parcel, boundary, zoning, and orthoimagery layers (with accompanying data sets) permanently. <i>Retention Note: Other datasets should be kept according to standards and procedures set by the North Carolina Geographic Information Coordinating Council. See also GEOSPATIAL RECORDS, page A-13.</i>	
3.02	GEOGRAPHIC INFORMATION SYSTEM (GIS) DATA DOCUMENTATION (METADATA) Records created during development or modification of an automated system which are necessary to access, retrieve, manipulate, and interpret data in that system; and records that explain the meaning, purpose, structure, local relationships, and origin of the data elements. Includes data element dictionaries, file layout, codebooks and tables, and definition files.	Destroy in office when the system is discontinued or when system data has been transferred to a new operating environment (platform).	

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3: GIS

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.03	GEOGRAPHIC INFORMATION SYSTEM (GIS) INTERNAL STANDARDS AND PROCEDURES Includes requirements that are intended to make hardware, software, and data compatible and that cover data capture, accuracy, sources, base categories, output, and data element dictionaries.	Retain in office permanently.	
3.04	GEOGRAPHIC INFORMATION SYSTEM (GIS) MONITORING RECORDS Includes system security, quality assurance, transaction tracking, and other related activity monitoring records.	Destroy in office after 1 year.	
3.05	GEOGRAPHIC INFORMATION SYSTEM (GIS) OPERATIONAL RECORDS Includes user guides, system flowcharts, job or workflow records, system specifications, and similar documentation.	Destroy in office when the system is discontinued or when system data has been transferred to a new operating environment (platform).	
3.06	GEOGRAPHIC INFORMATION SYSTEM (GIS) PROJECT RECORDS	a) Retain in office GIS datasets and accompanying documentation (metadata) with historical and/or legal value permanently. b) Destroy in office remaining items when reference value ends.± Agency Policy: Destroy in office after 3 years from date of project completion.	

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3: GIS

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.07	LAYERS: ADDRESS POINTS See also GEOSPATIAL RECORDS , page A-13.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council. <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.	
3.08	LAYERS: CORPORATE LIMITS See also GEOSPATIAL RECORDS , page A-13.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council. <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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3: GIS

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.09	LAYERS: EXTRATERRITORIAL JURISDICTIONS See also GEOSPATIAL RECORDS , page A-13.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council. <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.	
3.10	LAYERS: ORTHOIMAGERY See also GEOSPATIAL RECORDS , page A-13.	Create a snapshot of dataset when created. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council. <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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3: GIS

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.11	LAYERS: STREET CENTERLINE See also GEOSPATIAL RECORDS , page A-13.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council. <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.	
3.12	MAPPING PROJECT RECORDS Includes contract maps and all deliverable products for aerial photography, orthophotography, cartographic, cadastral, and digital mapping projects. See also GEOSPATIAL RECORDS , page A-13.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council. <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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3: GIS

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.13	MAPS: PARCEL Maps, including cadastral maps, and surveys of boundaries and measurements of each parcel, and information about encroachments, right-of-ways, and structures. See also GEOSPATIAL RECORDS , page A-13, and Property Management Records (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Paper: Destroy in office upon State Archives approval. GIS dataset: Create a snapshot of dataset quarterly. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	
3.14	MAPS: PARKS Includes park boundaries, facilities, landscaping, topography, and other pertinent information. Also includes maps and drawings stored and generated by Geographic Information System (GIS) and computer-aided design (CAD) systems. See also GEOSPATIAL RECORDS , page A-13.	Paper: Retain in office permanently. GIS dataset: Create a snapshot of dataset annually. To maintain permanently, <i>Either:</i> Transfer snapshot to NCOneMap according to established procedures, complying with standards and procedures adopted by the North Carolina Geographic Information Coordinating Council . <i>Or:</i> If retained in office permanently, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council .	

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

3: GIS

STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
3.15	MAPS: ALL OTHER @ Includes field maps, soil, topographic, sales, subdivision plats, right-of-way, sectional, highway, etc. Also includes paper maps.	a) Retain in office maps, including GIS datasets and accompanying documentation (metadata), with historical and/or legal value permanently. b) Destroy in office remaining items when reference value ends.± <i>Retention note: Contact the State Archives of North Carolina before destroying any tax maps, watershed maps, or zoning maps.</i> Agency Policy: Destroy in office after <u>superseded or obsolete</u> .	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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STANDARD 4: HUMAN RESOURCES RECORDS

Official records and materials created and accumulated incidental to the employment, qualifications, training, and pay status of agency employees. Comply with applicable provisions of G.S. 115C Article 21A (LPSUs), G.S. 122C-158 (area authorities), G.S. 130A-45.9 (public health authorities), G.S. 153A-98 (county), G.S. 160A-168 (municipal), G.S. 161E-257.2 (public hospitals), and G.S. 162A-6.1 (water and sewer authorities) regarding confidentiality of personnel records.

4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.01	ABOLISHED POSITIONS Records concerning positions that have been abolished.	Destroy in office after 1 year.	
4.02 	ADMINISTRATIVE INVESTIGATIONS Records concerning the investigation of conduct problems among agency personnel. SEE ALSO: Disciplinary Actions (below).	a) Destroy in office after 3 years records concerning complaints against agency personnel that are resolved without an internal investigation. b) Destroy in office after 5 years records concerning complaints lodged against agency personnel that are exonerated. c) Destroy in office 5 years after final disposition or expiration of relevant statute of limitations complaints lodged against agency personnel that are settled out-of-court. d) Transfer investigation reports, disciplinary actions, and other related internal affairs case records to Personnel Records (Official Copy) (below).	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.03 	APPLICATIONS FOR EMPLOYMENT Records submitted by job applicants for vacant positions or by current employees for promotion, transfer, or training opportunities. Includes applications, transcripts, resumes, letters of reference, and other related records.	a) Transfer applications, resumes, transcripts, and similar records as applicable to Personnel Records (Official Copy) (below) or Seasonal and Contract Worker Records (below). b) Destroy in office after 2 years unsolicited application materials from individuals hired. c) Destroy in office records concerning individuals not hired 2 years after date of receipt, if no charge of discrimination has been filed. If charge has been filed, destroy in office 1 year after resolution of charge.* d) Destroy in office 2 years after receipt unsolicited applications/resumes and those received after posted closing dates.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 1602.31
4.04	APPRENTICESHIP PROGRAM RECORDS Records concerning registered apprenticeship programs. Includes applications and selection materials as well as aggregated data. Also includes apprenticeship affirmative action plans.	Destroy in office 5 years after the making of the record or the personnel action involved, whichever occurs later.	Authority: 29 CFR 30.4(a) 29 CFR 1602.20 Retention: 29 CFR 30.12(d) 29 CFR 1602.21

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.



4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.05 	APTITUDE AND SKILLS TESTING RECORDS Records concerning aptitude and skills tests required of job applicants or of current employees to qualify for promotion or transfer. Includes civil service examinations. SEE ALSO: Employment Selection Records (below).	Destroy in office after 2 years.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 1602.31 29 CFR 1627.3(b)(1)(iv)
4.06	ASBESTOS TRAINING Records concerning training programs about the proper management of asbestos. SEE ALSO: Bloodborne Pathogen Training (below), Hazardous Materials Training Records (below).	a) Destroy in office employee-specific records 1 year after separation. b) Destroy in office remaining records when superseded or obsolete.	Retention: 29 CFR 1910.1001(m)(4)

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4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.07	BENEFITS RECORDS Records concerning life, health, accident, and disability insurance plans as well as seniority and merit systems. Includes records concerning systems in which employees can select fringe benefits from a cafeteria plan, including flexible spending plans. File also includes notifications, election and claim forms, rejection letters, and other records related to COBRA (Consolidated Omnibus Budget Reconciliation Act).	a) Destroy in office approved claims forms after 2 years.* b) Destroy in office rejected requests 6 months after decision. c) Destroy in office 3 years after employee returns or eligibility expires notifications to employees or dependents informing them of their rights to continue insurance coverage after termination or during disability or family leave. d) Destroy in office remaining records 1 year after plan is terminated.	Retention: 29 CFR 1627.3(b)(2)
4.08	BLOODBORNE PATHOGEN TRAINING Includes records showing date of training, sessions, contents or summaries of sessions, names of employees attending, and names and qualifications of instructors. SEE ALSO: Asbestos Training (above), Hazardous Materials Training Records (below).	Destroy in office after 3 years.	Retention: 29 CFR 1910.1030(h)(2)(ii)
4.09	DIRECTORIES, ROSTERS, OR INDICES Includes records listing employees, their job titles, work locations, phone numbers, e-mail addresses, and similar information.	Destroy in office when superseded or obsolete.	

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4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.10	DISABILITY SALARY CONTINUATION CLAIMS Forms used by disabled employees to apply for salary continuation benefits. Also include short-term disability claims forms and other related records.	a) Transfer original forms to Local Government Employees' Retirement System (LGERS) or Teachers' and State Employees' Retirement System (TSERS) for action when received. b) Destroy in office remaining records after 3 years.	
4.11	DISCIPLINARY ACTIONS Correspondence (including e-mail) and other records concerning disciplinary actions taken against employees by personnel or supervisory staff, including records documenting terminations. Includes records created by civil service boards when considering, or reconsidering on appeal, an adverse action against an employee.	a) Transfer records as applicable to Personnel Records (Official Copy) (below). b) Destroy in office all remaining records 2 years after resolution of all actions.	Authority: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 1602.31 Subject to the public information provision delineated in the above authorities.

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4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.12	DUAL EMPLOYMENT Records concerning employees' requests and authorizations to accept employment with another local government agency. SEE ALSO: Secondary Employment (below).	a) Destroy in office approved requests and related records 1 year after employee terminates additional employment. b) Destroy in office denied requests and related records after 6 months.	
4.13	 EDUCATIONAL LEAVE AND REIMBURSEMENT Includes records requesting educational leave and tuition assistance, reimbursements, and other related records. SEE ALSO: Leave Records (below).	a) Transfer records documenting approved leave requests to Personnel Records (Official Copy) (below). b) Destroy in office records concerning denied requests 6 months after denial.* c) Destroy in office records concerning approved tuition reimbursements 3 years after reimbursement.*	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.14	 EMPLOYEE ASSISTANCE PROGRAMS Records documenting assistance and counseling opportunities. Includes requests for information, referrals, forms, releases, correspondence, and other related records.	Destroy in office after 3 years.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1

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4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.15 	EMPLOYMENT ELIGIBILITY RECORDS Includes the I-9 forms, employment authorization documents filed with the U.S. Department of Labor, petitions filed by the agency, E-Verify documentation, and Selective Service Registration compliance forms.	a) I-9 forms have mandatory retention throughout the duration of an individual's employment. After separation, destroy records in office 3 years from date of hire or 1 year from separation, whichever occurs later. b) Destroy in office after 5 years employment authorization documents filed with the U.S. Department of Labor. c) Destroy in office immigrant or nonimmigrant petitions filed by the agency 3 years after employee separation. d) Destroy in office remaining records 1 year after employee separation.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 8 USC 1324a(b)(3)
4.16 	EMPLOYMENT SELECTION RECORDS Records concerning the selection of applicants for vacant positions or of current employees for promotion, transfer, or training opportunities. Includes interview documentation, rosters, eligibility lists, test ranking sheets, justification statements, background and criminal history checks, and similar records. SEE ALSO: Applications for Employment (above), Aptitude and Skills Testing Records (above).	a) Destroy in office background and criminal history checks after 5 years. b) Destroy in office remaining records 2 years after hiring decision.*	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 1602.31 29 CFR 1627.3(b)(1)

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STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.17 	EXIT INTERVIEW RECORDS Includes feedback from employees planning to separate from the agency.	Destroy in office after 1 year.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.18 	FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS Records concerning leave taken, premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over FMLA, and other related records. SEE ALSO: Leave Records (below).	Destroy in office 3 years after leave ends.*	Authority: 29 CFR 825.110 Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 825.500(b)

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.19 	GRIEVANCES Includes initial complaint by employee, investigation, action, summary, and disposition. SEE ALSO: Disciplinary Actions (above), Personnel Records (Official Copy) (below).	Destroy in office after 2 years.*	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.20	HAZARDOUS MATERIALS TRAINING RECORDS Includes records showing date of training, sessions, contents or summaries of sessions, names of employees attending, and names and qualifications of instructors. May also include documentation of loans of radioactive materials for the purpose of training exercises. SEE ALSO: Asbestos Training (above), Bloodborne Pathogen Training (above).	Destroy in office after 5 years.	Authority: 29 CFR 1910.120(p)(8)(iii) 10A NCAC 15
4.21	INTERNSHIP PROGRAM Records concerning interns and students who work for the agency.	Destroy in office after 2 years.	
4.22	LAW ENFORCEMENT TRAINING Records concerning internal training for law enforcement personnel.	Retain in office permanently.	

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STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.23 	LEAVE RECORDS Records concerning employee leave, including requests for and approval of sick, vacation, overtime, buy-back, shared, donated, etc. Also includes records documenting leave without pay. SEE ALSO: Educational Leave and Reimbursement (above), Family Medical Leave Act (FMLA) Records (above), Military Leave (below).	a) Destroy in office approved requests 3 years after return or separation of employee.* b) Destroy in office denied requests after 6 months.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.24 	MEDICAL RECORDS Records for employees, contractors, and volunteers concerning asbestos, toxic substances, and bloodborne pathogen exposure; physical examinations required by the employer in connection with any personnel action, including health or physical examination reports, or certificates created in accordance with the Americans with Disabilities Act (ADA); and records of injury or illness. (Does not include worker's compensation or health insurance claim records.) SEE ALSO: Benefits Records (above), Workers' Compensation Program Claims (below).	a) Destroy in office exposure records 30 years after date of exposure.* b) Destroy in office records pertaining to first-aid job-related illness and injury after 5 years. c) Provide medical records to employees who have worked for less than 1 year at time of separation. d) Destroy in office after 1 year records concerning physical examinations or health certificates. e) Destroy in office remaining records 30 years after employee separation. <i>Retention Note: Records must be maintained separately from an employee's personnel jacket. If part of a worker's compensation claim, follow disposition for Workers' Compensation Program Claims (below).</i>	Authority: 29 CFR 1910.1020(e) Confidentiality: 29 CFR 1630.14(c)(1) 29 CFR 1910.1030(h)(1)(iii) Retention: 29 CFR 1627.3(b)(1)(v) 29 CFR 1910.1020(d) 42 USC 12112(d)(3)

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.25	MILITARY LEAVE Records concerning military leave, as established by the Uniformed Services Employment and Reemployment Rights Act (USERRA). SEE ALSO: Leave Records (above).	Destroy in office 3 years after leave ends or employee separates from agency.*	Authority: 5 CFR 1208
4.26	 PERFORMANCE REVIEWS Information used to establish employees' goals and primary tasks. Records used to evaluate each employee's work performance. SEE ALSO: Personnel Records (Official Copy) (below).	Destroy in office after 3 years.	Confidentiality (applies only to performance evaluations): G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 60A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.27	PERSONNEL ACTION NOTICES Records used to create or change information in the personnel records of individual employees concerning such issues as hiring, termination, transfer, pay grade, and position or job title.	Transfer records to Personnel Records (Official Copy) (below).	Subject to the public information provision delineated in relevant General Statutes.

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4: HR

STANDARD 4: HUMAN RESOURCES RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
4.28 	PERSONNEL RECORDS (OFFICIAL COPY) Official copy of personnel file maintained on each permanent and temporary agency employee that is eligible for benefits. Includes basic employee information and records and forms relating to the selection or non-selection, promotion, transfer, leave, salary, suspension, and termination of employment. Note: For agencies responsible for maintaining personnel files for criminal justice officers, please consult 12 NCAC 09C .0307 for the mandatory records of certification that must be housed in the personnel file. SEE ALSO: Medical Records (above), Seasonal and Contract Worker Records (below).	a) Destroy in office after 30 years from date of separation information needed to document: date and amount of each increase or decrease in salary with that agency; date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that agency; date and general description of the reasons for each promotion with that agency; date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the agency; and, if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the agency setting forth the specific acts or omissions that are the basis of the dismissal. b) Destroy in office information necessary to verify benefits 30 years after date of separation. c) Destroy in office remaining records when individual retention periods are reached as noted in individual items in this Records Retention and Disposition Schedule.
4.29 	PERSONNEL RECORDS (SUPERVISOR COPY) Personnel jacket that is often maintained by supervisors.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 a) Transfer records as applicable to Personnel Records (Official Copy) (above). b) Destroy in office remaining records when reference value ends.± 3 years from date of separation. Agency Policy: Destroy in office after _____

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4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.30	POLICIES AND PROCEDURES (PERSONNEL) Official internal agency personnel policies and procedures. Also includes agreements and authorizations required of employees, orientation materials, and informational data. SEE ALSO: Civil Rights Records (STANDARD 6: LEGAL RECORDS), and Workers' Compensation Program Administration (below).	a) Retain in office internal agency personnel policies and procedures permanently. b) Destroy in office remaining records when superseded or obsolete.	
4.31 	POLYGRAPH RECORDS Includes statements informing employee of the time, place, and reasons for the test; copy of notice sent to examiner identifying employee to be tested; and copies of opinions, reports, or similar records generated by the examiner and provided to the agency.	Destroy in office 3 years from the date the test was given, or from the date the test was requested if no examination was given.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1 Retention: 29 CFR 801.30

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@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.32	POSITION CLASSIFICATION, CONTROL, AND HISTORY Records concerning personnel actions and position control, status of each established permanent, temporary full-time, or part-time position, and other related topics. Also includes listings providing classification, titles, and position numbers. SEE ALSO: Position Descriptions (below).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
4.33	POSITION DESCRIPTIONS Includes information on job title, grade, duties, agency assigned, and responsibilities.	Destroy in office 2 years after superseded.	Retention: 29 CFR 1620.32
4.34	POSITION EVALUATIONS Forms used to evaluate the primary purpose of a position.	Destroy in office after 1 year.	
4.35	RECRUITMENT RECORDS Includes ads and notices of overtime, promotion, and training. Also includes employment listings.	Destroy in office 1 year from date of record.	Retention: 29 CFR 1627.3(b)

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4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.36	RETIREMENT RECORDS Includes descriptive information about retirement systems along with plans and related records outlining the terms of employee pension and other deferred compensation plans, including 401(k). SEE ALSO: Payroll and Earnings Records; Payroll Deduction Records (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).	a) Destroy in office descriptive information about retirement plans 1 year after plan is terminated. b) Destroy in office records concerning employer-sponsored retirement plans 7 years after payment.* c) Transfer Local Governmental Employees' Retirement System (LGERS) forms to Department of State Treasurer. d) Transfer applicable records to Personnel Records (Official Copy) (above).	Retention: 29 CFR 1627.3(b)(2)
4.37	SEASONAL AND CONTRACT WORKER RECORDS Records concerning seasonal or contractual employees who are not provided with or eligible for benefits. SEE ALSO: Personnel Records (Official Copy) (above).	Destroy in office 5 years after date of separation.	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.38	SECONDARY EMPLOYMENT Records concerning employees' requests and authorizations to accept employment with a private entity. SEE ALSO: Dual Employment (above.)	a) Destroy in office approved requests and related records 1 year after employee terminates outside employment. b) Destroy in office denied requests and related records after 6 months.	

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STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.39	SERVICE AWARDS AND COMMENDATIONS Includes award and selection committee reports, nominations, selection criteria, and similar administrative records relating to employee recognition or incentive programs.	Destroy in office 2 years from date of record creation or the personnel action involved.	
4.40	SEE ALSO: Personnel Records (Official Copy) (above). SUGGESTIONS AND SURVEYS Recommendations and feedback submitted by agency employees.	Destroy in office after 1 year.	
4.41	TRAINING AND EDUCATIONAL RECORDS Records concerning the delivery of training to agency personnel. Includes training manuals, syllabi and course outlines, and other related records. Also includes employee-specific records (certificates, transcripts, test scores, etc.) relating to the training, testing, or continuing education of employees. SEE ALSO: Conferences and Workshops (STANDARD 7: PUBLIC RELATIONS RECORDS), Educational Leave and Reimbursement (above). Other required trainings are handled in Asbestos Training (above), Bloodborne Pathogen Training (above), Hazardous Materials Training Records (above), Law Enforcement Training (above).	a) Transfer records as applicable to Personnel Records (Official Copy) (above), if such training and testing is required for the position held or could affect career advancement. b) Destroy in office certifications and other qualifications 5 years after expiration or employee separation. c) Destroy in office general training materials when superseded or obsolete. d) Destroy in office remaining employee-specific records after 1 year.	Retention: 29 CFR 1627.3(b)(1)(iv)

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STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.42	UNEMPLOYMENT COMPENSATION CLAIMS Claim forms and other related records concerning unemployment compensation cases.	Destroy in office after 5 years.*	Confidentiality: G.S. 115C Art. 21A G.S. 122C-158 G.S. 130A-45.9 G.S. 153A-98 G.S. 160A-168 G.S. 161E-257.2 G.S. 162A-6.1
4.43	UNEMPLOYMENT COMPENSATION REPORTS Quarterly reports showing month-to-date wages, month-to-date compensation, year-to-date wages, and year-to-date compensation for each employee. May be filed with NC Division of Employment Security.	Destroy in office after 5 years.*	Retention: 04 NCAC 24D .0501(a) Retention: 04 NCAC 24D .0501(a)
4.44	UNEMPLOYMENT INSURANCE Forms submitted to the Department of Commerce to report wage records of terminated employees.	Transfer to the N.C. Department of Commerce, Division of Employment Security.	
4.45	VERIFICATION OF EMPLOYMENT RECORDS Inquiries and responses concerning verification of an employee's prior or current employment with the agency.	Destroy in office after 1 year.	
4.46	VOLUNTEER RECORDS Records concerning individuals who volunteer to assist with various agency activities.	Destroy in office 2 years after completion of assignment.	

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4: HR

STANDARD 4: HUMAN RESOURCES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
4.47	WORK SCHEDULES AND ASSIGNMENTS Records concerning work, duty, shift, crew, or case schedules, rosters, or assignments.	Destroy in office after 1 year.	
4.48	WORKERS' COMPENSATION PROGRAM ADMINISTRATION Includes program policies, guidelines, and related administrative documentation.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
4.49 	WORKERS' COMPENSATION PROGRAM CLAIMS Records concerning workers' compensation claims filed by employees' supervisors concerning accidental injuries or illnesses suffered on the job. Includes Employer's Report of Injury to Employee (Form 19), accident investigation reports, medical reports, claim cost reports, reference copies of medical invoices, and other related records. <i>Note: All official copies of claims records should be transferred to the North Carolina Industrial Commission in compliance with G.S. 97-92(a).</i>	Destroy in office agency's working file for workers' compensation claims by its employees 5 years after employee returns to work or separates from agency.*	Confidentiality: G.S. 8-53 G.S. 97-92(b)

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STANDARD 5: INFORMATION TECHNOLOGY (IT) RECORDS

Information technology encompasses all activities undertaken by agency to design, develop, and operate electronic information systems. This section covers records for which Information Technology personnel are responsible, including administrative records and those used to process data and monitor and control operations.

Note: Administration, use, and retention of records concerning computer and information security should comply with applicable provisions of G.S. 132-6.1 on the confidentiality of records regarding "hardware or software security, passwords, or security standards, procedures, processes, configurations, software, and codes." (G.S. 132-6.1 (c))

5: IT

STANDARD 5: INFORMATION TECHNOLOGY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.01 	AUDITS: IT SYSTEMS Records documenting user actions affecting the contents of monitored systems. Also includes fixity checks and other periodic tests of data validity.	a) Destroy in office 1 year after superseded or obsolete fixity check documentation. b) Destroy in office remaining records after disposition of record.*	Confidentiality: G.S. 132-6.1(c)
5.02	COMPUTER AND NETWORK USAGE RECORDS Records documenting usage of electronic devices and networks. Includes login files, system usage files, individual program usage files, and records of use of the Internet by employees.	Destroy in office after 1 year.	
5.03	DATA DOCUMENTATION RECORDS Records concerning data in automated systems. Includes data element dictionary, file layout, code book or table, entity relationships tables, and other records related to the structure, management, and organization of data.	Destroy in office 3 years after system is discontinued and/or replaced.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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5: IT

STANDARD 5: INFORMATION TECHNOLOGY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.04	DATA MIGRATION RECORDS Technical records documenting data migrations. <i>Note: The data itself is subject to the disposition instructions indicated for its relevant records series; these are merely records about migrating said data.</i>	Destroy in office 1 year after completion of data migration.	
5.05	DATA WAREHOUSES Federated data gathered by the agency from other sources for the purposes of comparison and distribution. SEE ALSO: Collected Data (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Destroy in office when superseded or obsolete.	Maintain confidentiality consistent with any restrictions placed on the data provider.
5.06	DIGITIZATION AND SCANNING RECORDS Records concerning data entry and imaging operations. Includes quality control records. See also REQUEST FOR DISPOSAL OF ORIGINAL RECORDS DUPLICATED BY ELECTRONIC MEANS , page A-21.	Destroy in office 10 days after digitization. <i>Note: The digital surrogate becomes the record copy and must be retained according to the disposition instructions for that record type.</i>	
5.07 	ELECTRONIC RECORDS POLICIES AND PROCEDURES Includes procedural manuals as well as an Electronic Records and Imaging Policy and a Security Backup Policy.	Destroy in office 3 years after superseded or obsolete.	Confidentiality: G.S. 132-1.7(b) G.S. 132-6.1(c)

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5: IT

STANDARD 5: INFORMATION TECHNOLOGY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.08	INFORMATION TECHNOLOGY ASSISTANCE RECORDS Records documenting troubleshooting and problem-solving assistance provided by agency information systems personnel to users of the systems. Includes help desk assistance requests, resolution records, and related documentation.	Destroy in office 1 year after work is completed.	
5.09 	NETWORK AND SYSTEM SECURITY RECORDS Records documenting cybersecurity efforts. Includes records concerning firewalls, anti-virus programs, intruder scanning logs, and other related records.	a) Destroy in office finalized cyber incident reports 5 years after resolution. b) Destroy in office after 2 years records documenting incidents involving unauthorized attempted entry or probes on data processing systems, IT systems, telecommunications networks, and electronic security systems. c) Destroy in office after 1 year records concerning firewalls, anti-virus programs, and other related records.	Confidentiality: G.S. 132-6.1(c)
5.10 	NETWORK DIAGRAMS Records documenting the logical and physical relationships of network components for purposes of organization, deployment, troubleshooting, monitoring of access, and management of day-to-day operations.	Destroy in office when superseded or obsolete.	Confidentiality: G.S. 132-6.1(c)

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STANDARD 5: INFORMATION TECHNOLOGY RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
5.11	PROJECT DOCUMENTATION Records created to design, develop, control, or monitor a specific project or group of IT projects. Includes statements of work, assessments, maintenance agreements, and testing records. SEE ALSO: Projects (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office permanently records with historical value. b) Destroy in office remaining records 3 years after completion of project.
5.12	SOFTWARE LICENSE AND COPYRIGHT PROVISIONS RECORDS Records documenting compliance with agency software license and copyright provisions. Includes software licenses, correspondence (including e-mail), and related documentation.	Destroy in office 1 year after software is superseded or obsolete.
5.13	SYSTEM ACCESS RECORDS Records documenting access requests and authorizations, system access logs, and other related records.	Destroy in office 1 year after superseded or obsolete.
5.14	 SYSTEM DOCUMENTATION RECORDS Records documenting operating systems, application programs, structure and form of datasets, system structure, and system-to-system communication. Includes system overviews, dataset inventories, server name, IP address, purpose of the system, vendor-supplied documentation, installed software, and current source code.	Destroy in office 3 years after superseded or obsolete. Confidentiality: G.S. 132-1.1(g) G.S. 132-6.1(c)

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STANDARD 5: INFORMATION TECHNOLOGY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.15	SYSTEM MAINTENANCE RECORDS: HARDWARE REPAIR OR SERVICE Records documenting inspections, maintenance, and repairs of agency computer systems that are owned or leased. Includes computer equipment inventories and service records. SEE ALSO: Equipment and Vehicle Maintenance, Repair, and Inspection Records (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Destroy in office records documenting routine inspections and maintenance of equipment after 1 year. b) Destroy records documenting all other equipment maintenance and repairs upon the final disposition of the equipment.	
5.16	SYSTEM MAINTENANCE RECORDS: RECORDS BACKUPS Records documenting regular or essential system backups. Includes backup tape inventories, relevant correspondence (including e-mail), and related documentation. See also Security Backup Files as Public Records in North Carolina: Guidelines for the Recycling, Destruction, Erasure, and Re-use of Security Backup Files , available on the State Archives of North Carolina website.	Destroy in office in accordance with your office's established, regular backup plan and procedures. [±] Agency Policy: Destroy in office after <u>3 years</u> .	
5.17	TECHNICAL PROGRAM DOCUMENTATION Records concerning program code, program flowcharts, program maintenance logs, systems change notices, and other related records that document modifications to computer programs.	Destroy in office 1 year after superseded or obsolete.	

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STANDARD 5: INFORMATION TECHNOLOGY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
5.18	VOICE OVER INTERNET PROTOCOL (VoIP) RECORDS Records concerning line registrations, calls logs, and voicemail records.	a) Destroy in office records concerning line registration when superseded or obsolete. b) Destroy in office call logs after 1 year. c) Destroy in office voicemail records after 30 days.	
5.19	WEB MANAGEMENT AND OPERATIONS RECORDS: STRUCTURE Site maps that show the directory structure into which content pages are organized, and commercial, off-the-shelf software configuration or content management system files used to operate the site and establish its look and feel. Includes server environment configuration specifications. SEE ALSO: Website (Electronic) (STANDARD 7: PUBLIC RELATIONS RECORDS).	Destroy in office when superseded or obsolete.	

5: IT

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STANDARD 6: LEGAL RECORDS

Official documentation created or accumulated to substantiate the rights, obligations, or interests of the agency or their individual employees or clients. Please note the confidentiality that G.S. 132-1.1(a) confers to communications by legal counsel expires three years after receipt of such communication.

6: Legal

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.01	AFFIDAVITS OF PUBLICATION Proof of publication provided by newspapers regarding publication of ordinances, public hearings, bid solicitations, payment of bills, public sales, etc. SEE ALSO: Public Bodies: Meeting Notices (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office permanently if record provides sole evidence of publication. b) Destroy in office remaining records after 3 years.*	Authority: G.S. 1-600
6.02	ANNEXATION RECORDS Records concerning annexation of property into the city. Includes petitions, reports, correspondence (including e-mail), maps, ordinances, and public hearings.	a) Destroy in office withdrawn petitions after 1 year. b) Retain remaining records in office permanently. <i>Retention Note: Annexation maps and ordinances must be filed with the County Register of Deeds office and the office of the Secretary of State (G.S. 160A-29, G.S. 160A-58.61 and G.S. 160A-58.90). A map must also be filed with the county board of elections (G.S. 163-288.1).</i>	
6.03	AUTHENTICATIONS Certificates of authentication issued by the agency.	Retain in office permanently.	

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6: Legal

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.04	CIVIL RIGHTS CASE RECORDS Records concerning discrimination complaints by employees or former employees and employee requests for reasonable accommodation. Includes equal opportunity (EO) complaints. SEE ALSO: Constituent Comments, Complaints, Petitions, and Service Requests (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS), Personnel Records (Official Copy) (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Destroy in office requests for reasonable accommodation 2 years after they become obsolete. b) Destroy in office discrimination complaints 1 year after final disposition of the charge or the action.* <i>Retention Note: 29 CFR 1602.14 defines final disposition of the charge or the action as "the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or, where an action is brought against an employer either by the aggrieved person, the Commission, or by the Attorney General, the date on which such litigation is terminated."</i>	Retention: 29 CFR 1602.14 29 CFR 1602.31

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6: Legal

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.05	CIVIL RIGHTS RECORDS Records concerning documentation of personnel policies and procedures to comply with the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Equal Pay Act, the Genetic Information Nondiscrimination Act (GINA), Section 504 of the 1973 Rehabilitation Act, and the 1964 Civil Rights Act. Includes reports required by the Equal Employment Opportunity (EEO) Commission and affirmative action plans. SEE ALSO: Civil Rights Case Records (above), Constituent Comments, Complaints, Petitions, and Service Requests (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS), Policies and Procedures (Personnel) (STANDARD 4: HUMAN RESOURCES RECORDS).	Destroy in office 3 years after superseded or obsolete.	Authority: 29 CFR 1602.1 29 CFR 1602.7 29 CFR 1608.4 Retention: 29 CFR 1602.30 29 CFR 1602.32 34 CFR 104.6(c)(2)
6.06	CONDEMNATION RECORDS Settled and pending condemnation cases. SEE ALSO: Accounts Payable (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS) for disposition of financial records.	Retain in office permanently.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

@ In some cases, more specific record retention and disposition requirements can be found in the relevant program schedule. See the appendix for pointers to such records series.

6: Legal

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.07	CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT DISCLOSURE STATEMENTS Completed by the elected agency officials as well as designated staff members in order to disclose an official's status or ownership interests.	Destroy in office 1 year after completion of term or separation.	
6.08	CONTRACTS, LEASES, AND AGREEMENTS @ Contracts and agreements for construction, equipment, property, supplies, special programs, and projects. Includes franchise agreements, hold harmless agreements, good faith effort documentation, contractor compliance monitoring, leases, and memoranda of understanding. SEE ALSO: Software License and Copyright Provisions Records (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	a) Retain in office contracts and agreements with historical value permanently. b) Destroy in office sealed contract records 10 years after expiration of contract.* c) Destroy in office all records related to capital improvement contracts and business associate agreements 6 years after completion, termination, or expiration.* d) Destroy in office records documenting restrictions and compliance with license and copyright provisions for products and services purchased by the agency 1 year after superseded or obsolete.* e) Destroy in office all other contracts and agreements 3 years after completion, termination, or expiration.*	Retention: G.S. 1-47(2) G.S. 1-50(a)(5) 45 CFR 164.316 G.S. 1-52
6.09	DECLARATORY RULINGS Records concerning declaratory rulings issued by the agency to interpret statutes or rules as applied to a specified set of facts.	Retain in office permanently.	

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6: Legal

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.10	DELEGATION OF AUTHORITY RECORDS Records documenting delegations of power to authorize agency business. Includes signature authorities and powers of attorney.	Destroy in office 1 year after superseded or obsolete.	
6.11	EASEMENTS AND RIGHT-OF-WAY AGREEMENTS Granted to the agency. SEE ALSO: Accounts Payable (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS) for disposition of financial records; LOCAL PROGRAM SCHEDULE, Excavation Permits and Right-of-Way Acquisition Working Records (STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS).	Destroy in office 10 years after expiration of agreement.	
6.12	ENCROACHMENTS Records concerning agreements granted by or to the agency. Also includes maps or drawings detailing construction plans attached to agreements.	a) Retain in office permanently records concerning agreements granted by outside entities to the agency. b) Destroy in office when superseded or obsolete records concerning agreements granted to utilities, businesses, and private residents to encroach upon agency property.	
6.13	EXPUNCTIONS Expunction orders received by local agencies.	Destroy in office when record is expunged.	

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6: Legal

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.14	INVESTIGATION AND HEARING RECORDS Records concerning complaints, fraud allegations, contestments, grievances, and inquiries against individuals and other entities. Includes summaries, charges, reports, assessments and findings, hearing transcripts and evidence, decisions and sanctions, referrals, correspondence, and other related records.	Destroy in office 3 years after completion. *	
6.15	LAND OWNERSHIP RECORDS Includes deeds and titles.	Destroy in office 1 year after agency relinquishes ownership of land. *	
6.16	LEGAL CORRESPONDENCE Correspondence (including e-mail) and related records concerning legal matters not related to specific legal cases or official opinions.	Destroy in office after 5 years. For information on handling e-mail, see ELECTRONIC RECORDS , page A-11.	Confidentiality: G.S. 132-1.1(a)
6.17	LEGAL OPINIONS Formal legal opinions written by counsel in response to requests concerning the governance and administration of the agency.	Retain in office permanently.	
6.18	LEGAL REVIEW RECORDS Includes legal reviews of by-laws and charges to boards and commissions, conflicts of interest, and all other agency matters as requested. SEE ALSO: Legal Opinions (above).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records after expiration of relevant statute of limitations.	Confidentiality: G.S. 132-1.1(a)

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6: Legal

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.19 	LITIGATION CASE RECORDS Civil suits to which the agency is a party. Includes affidavits, agreements, appeals, bills, briefs, citations, commitments, complaints, discharges, motions, notices, pleas, releases, statements, testimony, verdicts, waivers, warrants, and writs.	a) Retain in office cases having precedential or historical value permanently. b) Destroy in office adjudicated cases 6 years after final disposition. c) Destroy in office non-adjudicated cases (out-of-court claims) 6 years after final disposition or expiration of relevant statute of limitations.	Confidentiality: G.S. 132-1.1(a) G.S. 132-1.9
6.20	OATHS OF OFFICE SEE ALSO: Public Bodies: Member Files (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Transfer official copy of oath of office to the municipal clerk or the county clerk to the board of commissioners or the clerk of the governing board for permanent retention. <i>Retention Note: The Clerk should present a copy of the oaths of elected officials to the Clerk of Superior Court for recording.</i>	Authority: G.S. 105-349 G.S. 153A-26 G.S. 160A-61 G.S. 160A-68 G.S. 160A-284 Retention: G.S. 7A-103(2)
6.21	PERMISSIONS Records conferring legal permission. Includes copyright permission requests and requests for permission to publish intellectual property or holdings of the agency. Also includes copyrights, patents, and trademarks held by the agency.	a) Retain in office permanently records conferring perpetual legal permission as well as records documenting copyrights, patents, and trademarks held by the agency. b) Destroy in office 3 years after expiration records concerning one-time copyright permissions granted by the agency.	

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6: Legal

STANDARD 6: LEGAL RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
6.22	PRE-TRIAL RELEASE PROGRAM RECORDS Records documenting supervision for defendants who do not pose a risk to the community as they await trial.	Destroy in office 3 years after trial.	
6.23	RELEASE FORMS Records documenting consent and waiving the individual's right to hold the agency responsible for injuries or damages occurring while voluntarily participating in events or activities.	Destroy in office 5 years after termination of release/waiver.	
6.24	SETTLEMENTS Records concerning pre-litigation or informal settlements.	Destroy in office 10 years after expiration.	Authority: G.S. 132-1.3
6.25	VEHICLE TITLES Titles of agency owned vehicles.	Dispose of in accordance with Division of Motor Vehicles procedures for title transfer upon disposition of vehicle.	Authority: G.S. 20-72

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STANDARD 7: PUBLIC RELATIONS RECORDS

Official records and materials created and accumulated by internal public relations programs operated by the agency.

STANDARD 7: PUBLIC RELATIONS RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.01	AGENCY PUBLICATIONS Publications created at agency expense. Also includes correspondence and other related records regarding the design and creation of agency publications.	a) Retain in office records with historical value permanently. b) Destroy publications management records after 5 years. c) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after <u>1 year</u> .	
7.02	AUDIO-VISUAL RECORDINGS @ Recordings (including digital) and films produced by or for the agency. This does not include recordings of public meetings or security videos. SEE ALSO: Public Bodies: Audio and Video Recordings of Meetings (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS), Office and Property Security Records (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after <u>3 years</u> .	
7.03	COMMUNITY AWARDS @ Records concerning awards by the agency recognizing community contributions.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after <u>5 years</u> .	

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STANDARD 7: PUBLIC RELATIONS RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.04	CONFERENCES AND WORKSHOPS @ Records concerning conferences and workshops conducted by agency employees. Includes slides, charts, transparencies, handouts, and other related records used in presentations. SEE ALSO: Training and Educational Records (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
7.05	EDUCATIONAL MATERIALS Materials produced for usage by teachers or tour groups. Includes lesson plans, activities, and other related records.	Destroy in office when superseded or obsolete.	
7.06	FUND DRIVE AND EVENT RECORDS Records documenting the promotion and organization of fund drives and other special events in which the agency participated. Includes records concerning solicitations requesting and donations providing money or in-kind donations for agency programs. Also includes invitations, registration materials, agendas, handouts, presentations, and programs. SEE ALSO: Donations and Solicitations (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	

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± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

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STANDARD 7: PUBLIC RELATIONS RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.07	INVITATIONS Invitations sent and received concerning agency and external functions.	Destroy in office after event occurs.	
7.08	MEDIA FILE Reference copies of newspaper, magazine, and other media clippings concerning the agency, agency officials, and other topics of interest.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after <u>1</u> year.	
7.09	POPULAR ANNUAL FINANCE REPORT Comprehensive annual financial report (CAFR)	a) Retain records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
7.10	PUBLIC HEARINGS Includes agendas, minutes, notices, speaker sign-up sheets, and similar documentation. SEE ALSO: Public Bodies: Minutes (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office minutes permanently. b) Destroy in office remaining records after 1 year.	

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STANDARD 7: PUBLIC RELATIONS RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
7.11	PUBLIC RECORDS REQUESTS Formal requests submitted by persons seeking access to agency records along with documentation of agency response.	Destroy in office 2 years after resolution.* <i>Note: These disposition instructions apply only to the request, internal agency records related to searching for and preparing responsive records, and communication of response; the documents that are responsive to public records requests should be handled according to their respective disposition instructions. However, if the agency also retains separate copies of the documents that are responsive to public records requests, they may also be destroyed 2 years after completion of the request.</i>
7.12	PUBLICITY RECORDS @ Records concerning overall public relations of agency. Includes advertisements, announcements, correspondence (including e-mail), photographic materials, news and press releases, and other related records.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.*
7.13	SOCIAL MEDIA SEE ALSO: Website (Electronic) (below).	See APPENDIX (page A-12) for guidance in handling social media.
7.14	SPEECHES Speeches made by agency officials.	a) Retain in office records with historical value permanently. b) Destroy in office remaining records when reference value ends.± Agency Policy: Destroy in office after <u>1</u> year.

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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STANDARD 7: PUBLIC RELATIONS RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
7.15	WEBSITE (ELECTRONIC) Records created and maintained in paper and electronic formats concerning the creation and maintenance of the agency's presence on the World Wide Web. Includes correspondence (including e-mail), procedures, instructions, website designs, HTML/XHTML, or other web-based file formats, and other related records. SEE ALSO: Web Management and Operations Records: Structure (STANDARD 5: INFORMATION TECHNOLOGY RECORDS).	a) Capture website annually or whenever a major revision in design and/or content has taken place, whichever occurs first. Retain captured content in office permanently. Can be maintained as website snapshots or via Web crawler. b) Destroy in office remaining records when superseded or obsolete.
		CITATION

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page A-5.

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**STANDARD 8: RISK MANAGEMENT RECORDS**

Official records created and accumulated to manage risks in the agency.

8: Risk Management

STANDARD 8: RISK MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.01	ACCIDENT/INCIDENT REPORTS (CUSTOMER AND EMPLOYEE) SEE ALSO: Workers' Compensation Program Claims (STANDARD 4: HUMAN RESOURCES RECORDS).	a) Transfer records resulting in workers' compensation to Workers' Compensation Program Claims (STANDARD 4: HUMAN RESOURCES RECORDS). b) Destroy in office remaining employee claims 3 years after settlement or denial of claim.* c) Destroy in office adult non-employee reports 3 years after settlement or denial of claim.* d) Destroy in office reports that do not result in claims or official action after 3 years. e) Destroy in office reports of minors after minor has reached age of 21.	
8.02	DECLARATIONS AND TERMINATIONS OF STATES OF EMERGENCY	Retain in office permanently.	Authority: G.S. 166A-19.22

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8: Risk Management

STANDARD 8: RISK MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.03 	DISASTER AND EMERGENCY MANAGEMENT PLANS @ Records concerning preparedness, evacuations, and operations in the event of a disaster (natural, accidental, or malicious). Includes background surveys, studies, reports, and records concerning the process of notifying personnel in the event of an emergency. Also includes Continuity of Operations Plans (COOP) and Business Continuity Plans (BCP).	Destroy in office when superseded or obsolete.	Confidentiality: G.S. 132-1.7
8.04	DISASTER RECOVERY Administrative records documenting and recovery efforts for emergencies of a short duration as well as disasters inflicting widespread destruction and having long-term consequences for the agency. Includes documents coordinating activities with federal, state, and local emergency management, incident reports, inventories, and disaster relief allocations.	a) Retain in office permanently records documenting major agency disaster recovery efforts and records evaluating emergency response and efficacy. b) Destroy in office after 3 years records concerning minor or routine agency recovery operations that are managed with minimal disruption to normal operations.	
8.05	EMERGENCY DRILLS AND EQUIPMENT RECORDS Includes test records for fire suppression, defibrillator, respirator fit, and other emergency equipment. Also includes records concerning agency emergency and fire drills.	Destroy in office when superseded or obsolete.	
8.06	EMERGENCY NOTIFICATIONS Notifications and alerts sent to residents by Emergency Management or other agency staff regarding a current emergency.	Destroy in office after 1 year.	

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8: Risk Management

STANDARD 8: RISK MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.07	EMPLOYEE SECURITY RECORDS Records concerning the issuance of keys, identification cards, parking assignments, passes, etc., to employees. SEE ALSO: Office and Property Security Records (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Destroy in office when superseded or obsolete.	
8.08	FIRE, HEALTH, AND ENVIRONMENTAL SAFETY RECORDS Records concerning agency safety measures. Includes reports, logs, and other related records documenting inspections of agency facilities.	a) Destroy in office inspection reports after 7 years. b) Destroy in office safety audits after 3 years. c) Destroy in office remaining records when superseded or obsolete.	
8.09	FIXED NUCLEAR FACILITIES PLANS FILE Records concerning emergency plans for county fixed nuclear facilities.	Destroy in office when superseded or obsolete.	
8.10	FUEL OIL STORAGE TANK RECORDS	Destroy in office closure records 3 years after completion of permanent closure.	Authority: 40 CFR 280.34 Retention: 40 CFR 280.74

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8: Risk Management

STANDARD 8: RISK MANAGEMENT RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
8.11	HAZARDOUS MATERIALS MANAGEMENT Records documenting agency efforts to prevent and mitigate exposure to hazardous materials. Includes risk assessments, management plans, and abatement/removal records. SEE ALSO: Safety Data Sheets (below). <i>Note: Title 10A of the NC Administrative Code provides guidelines about the records requirements for persons who receive, possess, use, transfer, own or acquire any sources of radiation within the State of North Carolina.</i>	a) Retain in office permanently records documenting hazardous waste disposal sites on agency property and documenting the use of pathogens and biological toxins (select agents) at the agency. b) Destroy in office asbestos records 1 year after building is demolished. (<i>Note: If building is sold, transfer records to new owner.</i>) c) Destroy in office after 5 years records concerning the receipt, maintenance, and disposal of radioactive materials. d) Destroy in office 3 years after superseded or obsolete records concerning hazard mitigation plans. e) Destroy in office records documenting environmental and hazardous waste remediation projects 5 years after project completion. f) Destroy in office remaining records after 30 years.
		Retention: 29 CFR 1910.1001(j)(3)(ii)

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8: Risk Management

STANDARD 8: RISK MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.12	INSURANCE POLICIES Records concerning automobile, theft, fire, and all other insurance policies purchased by agency. Also includes insurance audits, claims reports, surveys, endorsements, certificates of insurance, and waivers.	a) Destroy in office records concerning automobile and other liability insurance policies 10 years after superseded or obsolete.* b) Destroy in office certificates of insurance after 1 year. c) Destroy in office self-insurer certifications 6 years from date of termination of policy or settlement of all claims. d) Destroy in office remaining records after 1 year after superseded or obsolete.	
8.13	LOSS CONTROL INSPECTION REPORTS Self-inspections to identify potential liabilities or hazards that may exist in agency owned buildings or property.	Destroy in office when superseded or obsolete.	
8.14	LOST, STOLEN, OR DAMAGED PROPERTY REPORTS Includes reports of property lost or stolen at agency. Also includes reports and employee narratives of vandalism to agency property.	Destroy in office after 2 years.*	
8.15	NATIONAL FLOOD INSURANCE PROGRAM RECORDS Records concerning the participation of a local government agency in FEMA's National Flood Insurance Program (NFIP). Includes floodplain management ordinances, maps, and other related records.	a) Retain in office permanently floodplain management ordinances. b) Destroy in office copies of flood insurance rate maps, elevation certificates, and elevation information when superseded or obsolete.	

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8: Risk Management

STANDARD 8: RISK MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
8.16	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) Records concerning injury or illness, extent and outcomes, summary totals for calendar year, and OSHA forms. Includes ergonomic assessments for employees.	Destroy in office after 5 years.	Retention: 29 CFR 1904.33 29 CFR 1904.44
8.17	SAFETY DATA SHEETS Forms supplied to agencies from manufacturers and distributors of hazardous materials for materials held by the agency.	Destroy in office 30 years after materials have been disposed of according to manufacturer's instructions. <i>Retention Note: A data sheet for a mixture may be discarded if the new data sheet includes the same hazardous chemicals as the original formulation. If the formulation is different, both data sheets must be retained for 30 years. Data sheets may also be discarded if some other record identifying the substances used, where they were used, and when they were used is retained the required 30-year period.</i>	Retention: 29 CFR 1910.1020(d)(1)(ii)(B)

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**STANDARD 9: WORKFORCE DEVELOPMENT RECORDS**

Official records created and accumulated by the agency to manage workforce development programs. Relevant legislation includes the Comprehensive Employment and Training Act, the Job Training and Partnership Act, the Workforce Investment Act, and the Workforce Innovation and Opportunity Act.

9: Workforce Development

STANDARD 9: WORKFORCE DEVELOPMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
9.01	AUDIT/AUDIT RESOLUTIONS Records concerning reports from financial and compliance audits conducted on Workforce Investment Act programs in accordance with OMB Circular A-133. Includes audit reports and correspondence concerning audits and audit resolutions for the local area. Also includes federal and state audits.	Destroy in office after 3 years.	Authority: OMB Circular A-133 29 CFR 97.26
9.02	LOCAL AREA JOB TRAINING PLAN RECORDS Records concerning the local board's bid process for contracting workforce development programs.	Destroy in office when superseded or obsolete.	Authority: 20 CFR 652.8
9.03	PARTICIPANT RECORDS Records concerning applicants, registrants, eligible applicants/registrants, participants, trainees, and employees who submit requests for services of the Dislocated Workers Program and Workforce Investment Act programs. Includes applications, client history, Employability Development Plans, program referral, monitoring notes, pay authorizations, release forms, and Workforce Investment Act follow-up questionnaires.	Destroy in office 3 years after close of audit/final year expenditure.*	Authority: 20 CFR 652.8

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MANAGING PUBLIC RECORDS IN NORTH CAROLINA

Q. What is this “records retention and disposition schedule”?

- A.** This document is a tool for the employees of local government agencies across North Carolina to use when managing the records in their offices. It lists records commonly found in agency offices and gives an assessment of their value by indicating how long those records should be retained. This schedule is also an agreement between your agency and the State Archives of North Carolina.

This schedule serves as the inventory and schedule that the State Archives of North Carolina is directed by N.C. Gen. Stat. § 121-5(c) and N.C. Gen. Stat. § 132-8 to provide. It supersedes all previous editions, including all amendments.

Q. How do I get this schedule approved?

- A.** This schedule must be approved by your governing body for use in your agency. That approval should be made in a regular meeting and recorded as an action in the minutes. It may be done as part of the consent agenda, by resolution, or other action.
-

Q. Am I required to have all the records listed on this schedule?

- A.** No, this is not a list of records you must have in your office.
-

Q. What is “reference value”?

- A.** Items containing “reference value” in the disposition instructions are generally records that hold limited value, which is typically restricted to those documenting routine operations within the office. A minimum retention period should be established by the office for any items containing the phrase “destroy in office when reference value ends” in the disposition instructions.
-

Q. Do the standards correspond to the organizational structure of my agency?

- A.** Records series are grouped into standards to make it easier for users to locate records and their disposition instructions. You may find that the groupings reflect the organizational structure of your agency, or you may find that records are located in various standards depending on the content of the record. The intent of the schedule’s organization is to provide an easy reference guide for the records created in your agency.
-

Q. What if I cannot find some of my records on this schedule?

- A.** Sometimes the records are listed in a different standard than how you organize them in your office. Be sure to check the Index and utilize the search function on the PDF version of the schedule to facilitate the location of records series. If you still cannot locate your records on the schedule, contact a Records Management Analyst. We will work with you to amend this records schedule so that you may destroy records appropriately. The Request for Change in Records Schedule form (see page A-19) can be used for such requests.
-

Q. What are public records?

- A.** The *General Statutes of North Carolina*, Chapter 132, provides this definition of public records:
- “Public record” or “public records” shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the

transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

Q. *Is any person allowed to see my records?*

- A.** Yes, except as restricted by specific provisions in state or federal law. N.C. Gen. Stat. § 132-6 instructs:

“Every custodian of public records shall permit any record in the custodian’s custody to be inspected and examined at ± times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law. ... No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request.”

Q. *What about my confidential records?*

- A.** Not all government records are open to public inspection. Exceptions to the access requirements in N.C. Gen. Stat. § 132-6 and the definition of public records in N.C. Gen. Stat. § 132-1 are found throughout the General Statutes. You must be able to cite a specific provision in the General Statutes or federal law when you restrict or deny access to a particular record.

Q. *Am I required to make available to the public copies of drafts that have not been approved?*

- A.** Yes, even if a report, permit, or other record has not been finalized, it is still a public record subject to request. Any record that is not confidential by law must be provided when a request is received, whether it is “finished” or not.

Q. *What do I do with permanent records?*

- A.** Permanent records should be maintained in the office that created the records, forever.

The Department of Natural and Cultural Resources (DNCR) is charged by the General Assembly with the administration of a records management program (N.C. Gen. Stat. § 121-4 (2) and § 132-8.1) and the maintenance of “a program for the selection and preservation of public records considered *essential* to the operation of government and to the *protection of the rights and interests of persons*” (§ 132-8.2). Permanent records with these characteristics require preservation duplicates that are human-readable (paper or microfilm). Some examples of these characteristics include:

- Affect multiple people, without regard to relation
- Have significance over a long span of time
- Document governance
- Document citizenship

Examples of records with these characteristics:

- Minutes of governing bodies at the state and local levels are the basic evidence of our system of governance, and are routinely provided for the public to read.
- Records, such as deeds and tax scrolls, about land document changes in ownership and condition. Counties maintain offices expressly for the purpose of making those records

available to the public. Other records in local and state governments document potential public health hazards, such as hazardous materials spills.

- Adoptions, marriages, and divorces document changes in familial relationships. Though adoptions are confidential (not available for public inspection), they document changes in inheritance and familial succession.
- Court records, such as wills, estates, and capital cases, affect people within and across family groups, are made available for public inspection, and often involve transactions related to the examples above.

See the Human-Readable Preservation Duplicates policy issued by the North Carolina Department of Natural and Cultural Resources (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines/human-readable-preservation>) and check with a records analyst to determine whether your permanent records require a preservation duplicate.

Q. What is historical value?

- A.** Historical records document significant events, actions, decisions, conditions, relationships, and similar developments. These records have administrative, legal, fiscal, or evidential importance for the government or its constituents. Two criteria for determining historical value are inherent interest and extraordinary documentation:
- Inherent interest is created by non-routine events, by the involvement of famous parties, and by compelling contexts. For instance, foreclosure proceedings from the 1930s have high historical value because they date from the era of the Great Depression.
 - Extraordinary documentation is found in records that shed light on political, public, or social history. For instance, the records from the replevin case that returned the Bill of Rights to North Carolina hold more historical value than most property case files because of the political history intertwined with this case.

SANC has further elaborated selection criteria that help distinguish records with historical value:

- Do they protect the rights and property of residents and organizations?
- Do they have a long-term impact on residents and organizations?
- Do they document the core functions of an agency?
- Do they document high-level decision-making that shapes an agency's policies or initiatives?
- Do they summarize an agency's activities?

Call a Records Management Analyst for further assistance in assessing historical value.

Q. What if I do not have any records?

- A.** Nearly every position in government generates, receives, or uses records. Computer files of any kind, including drafts and e-mail, are public records. Even if your records are not the official or final version, your records are public records. Not all records have high historical, legal, or fiscal value, but they all must be destroyed in accordance with the provisions of the appropriate records schedule.

Q. I have a lot of unsorted records. What's a good first step for getting a handle on these records?

- A.** We encourage you to create a file plan of what records you have. When you create this plan, you can match each record to its placement on this schedule or on the appropriate retention schedule. A sample file plan is available on page A-22. Having a file plan can help you strategize how to best organize your physical or digital records. A file plan is also useful in disaster planning and scheduling destructions.

Q. May I store our unused records in the basement, attic, shed, etc.?

- A.** Public records are public property. Though we encourage agencies to find places to store records that do not take up too much valuable office space, the selected space should be dry, secure, and free from pests and mold. Your office must ensure that records stored away from your main office area are well protected from natural and man-made problems while remaining readily available to your staff and the public.

Q. Our old records are stored in the attic, basement, or off-site building, etc. Are we required to provide public access to these records?

- A.** Yes, as long as the records are not confidential by law. You should also be aware that confidentiality can expire.

Q. Aren't all our old records at the State Archives of North Carolina?

- A.** Probably not. The State Archives of North Carolina collects only very specific types of records from local government offices. Contact a Records Management Analyst for more information about which records are held or can be transferred to the State Archives of North Carolina for permanent preservation.

Q. I found some really old records. What should I do with them?

- A.** Call a Records Management Analyst. We will help you examine the records and assess their historical value.

Q. Can I give my old records to the historical society or public library?

- A.** Before you offer any record to a historical society, public library, or any other entity, you must contact a Records Management Analyst. Permanent records must be kept either in your offices or at the State Archives of North Carolina.

Q. Whom can I call with questions?

- A.** If you are located west of Statesville, call our Western Office in Asheville at (828) 250-3103. If you are east of Statesville, all the way to the coast, call our Raleigh office at (919) 814-6900.

AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION

Q. Why is there an asterisk in the disposition instructions of so many items on this schedule?

A. No record involved in a pending or ongoing audit, legal, or other official action may be destroyed before that audit or action is resolved.

A legal hold or litigation hold means that records that are the subject of the legal hold or litigation hold must be preserved and thus must not be destroyed until officially released from the hold. A legal hold or litigation hold is placed when either an official discovery order is served on the agency requesting the production of the records in question (for a litigation, regulatory investigation, audit, open records request, etc.) or litigation is pending and the agency is thus on notice to preserve all potentially relevant records. You must also ensure that for a claim or litigation that appears to be reasonably foreseeable or anticipated but not yet initiated, any records (in paper or electronic formats) relevant to such a claim or litigation are preserved and not destroyed until released by your General Counsel. The records in question must not be destroyed until the completion of the action and the resolution of all issues that arise from it regardless of the retention period set forth in this schedule.

We have used an asterisk (*) in the disposition instructions to mark records series that are commonly audited, litigated, or may be subject to other official actions. However, any record has this potential. Records custodians are responsible for being aware of potential actions, and for preventing the destruction of any record that is, or may be reasonably expected to become, involved in an audit, legal, or other official action.

Records used during routine audits may be destroyed when the governing body accepts the audit, if the records have completed the retention period listed in this schedule. If time remains in the retention period, the records must be maintained for the remainder of the period. The auditor's working papers must be kept according to the schedule. (See Audits: Performance (STANDARD 1: ADMINISTRATIVE AND MANAGEMENT RECORDS) and Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).) Should a dispute arise over an audit, the records that were audited should be retained until that dispute is resolved.

The attorney representing the agency should inform records custodians when legal matters are concluded and records will no longer be needed. Following the conclusion of any legal action, the records may be destroyed if they have met the retention period in the schedule. Otherwise, they should be kept for the remaining time period.

TRANSITORY RECORDS

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”³

According to North Carolina General Statutes § 121 and § 132, every document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data processing record, artifact, or other documentary material, regardless of physical form or characteristics, made or received in connection with the transaction of public business by any state, county, municipal agency, or other political subdivision of government is considered a public record and may not be disposed of, erased, or destroyed without specific approval from the Department of Natural and Cultural Resources.

The Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called “transitory records.” The following questions and answers discuss types of transitory records commonly created in state government. They may be disposed of according to the guidance below. However, all public employees should be familiar with the *General Records Schedule: Local Government Agencies*, their office’s Program Records Retention and Disposition Schedule, and any other applicable guidelines for their office. If any of these documents require a different retention period for these records, follow the longer of the two retention periods. When in doubt about whether a record is transitory, or whether it has special significance or importance, retain the record in question and seek guidance from the analyst assigned to your agency.

Q. What do I do with routing slips, fax cover sheets, “while you were out” slips, memory aids, etc.?

- A.** Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed.

Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails) have minimal value once the official action these records are supporting has been completed and documented. Unless they are listed on the *General Records Schedule: Local Government Agencies* or your office’s Program Records Retention and Disposition Schedule, these records may be destroyed or otherwise disposed of once the action has been resolved.

Q. What about research materials, drafts, and other working papers used to create a final, official record?

- A.** Drafts and working papers are materials, including notes and calculations, gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of General Statute § 132, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents which may be destroyed after final approval include:

- Drafts and working papers for internal and external policies

³ Society of American Archivists, *Dictionary of Archives Terminology*.

- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that are already formally documented.

Q. What if I have forms designed and used solely to create, update, or modify records in an electronic medium?

- A.** If these records are not required for audit or legal purposes, they may be destroyed in office after completion of data entry and after all verification and quality control procedures. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary's seal), they should be retained according to the disposition instructions for the records series encompassing the forms' function.

See also the State Archives of North Carolina's guidance on digital signatures found at: <https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines#digital-signatures>

DESTRUCTION OF PUBLIC RECORDS

Q. When can I destroy records?

- A.** Each records series listed on this schedule has specific disposition instructions that indicate how long the series must be kept in your office. In some cases, the disposition instructions are “Retain in office permanently,” which means that those records must be kept in your offices forever.

Q. How do I destroy records?

- A.** After your agency has approved this records retention and disposition schedule, records should be destroyed in one of the following ways:
- 1) burned, unless prohibited by local ordinance;
 - 2) shredded, or torn so as to destroy the record content of the documents or material concerned;
 - 3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned;
 - 4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

The provision that electronic records are to be destroyed means that the data, metadata, and physical media are to be overwritten, deleted, and unlinked so that the data and metadata may not be practicably reconstructed.

The data, metadata, and physical media containing confidential records of any format are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.

— N.C. Administrative Code, Title 7, Chapter 4, Subchapter M, Section .0510

Without your agency’s approval of this records schedule, no records may legally be destroyed.

Q. How can I destroy records if they are not listed on this schedule?

- A.** Contact a Records Management Analyst. An analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do have historical value, we will discuss the possibility of transferring the records to the State Archives of North Carolina to be preserved permanently.

If the records do not have historical value, we will ask you to complete a Request for Disposal of Unscheduled Records (page A-20) if the records are no longer being created. If the records are an active records series, an analyst will help you develop an amendment to this schedule so that you can destroy the records appropriately from this point forward.

Q. Am I required to tell anyone about the destructions?

- A.** We recommend that you report on your records retention activities to your governing board on an annual basis. This report does not need to be detailed, but it is important that significant destructions be entered into the minutes of the Board. See a sample destructions log that follows (and is available online at the State Archives of North Carolina website, <https://archives.ncdcr.gov/government/rm-tools>).



NC DEPARTMENT
OF NATURAL AND
CULTURAL RESOURCES

919-814-6900

[illegible]

A-10

ELECTRONIC RECORDS: E-MAIL, BORN-DIGITAL RECORDS, AND DIGITAL IMAGING

Q. When can I delete my e-mail?

A. E-mail is a public record as defined by N.C. Gen. Stat. § 121-5 and § 132. Electronic mail is as much a record as any paper record and must be treated in the same manner. **It is the content of each message that is important.** If a particular message would have been filed as a paper memo, it should still be filed (either in your e-mail program or in your regular directory structure), and it should be retained the same length of time as its paper counterparts. **It is inappropriate to destroy e-mail simply because storage limits have been reached.** Some examples of e-mail messages that are public records and therefore covered by this policy include:

- Policies or directives;
- Final drafts of reports and recommendations;
- Correspondence and memoranda related to official business;
- Work schedules and assignments;
- Meeting agendas or minutes
- Any document or message that initiates, facilitates, authorizes, or completes a business transaction; and
- Messages that create a precedent, such as issuing instructions and advice.

*From the Department of Cultural Resources E-Mail Policy (Revised July 2009),
available at the State Archives of North Carolina website*

Other publications (available online at the [State Archives of North Carolina website](#)) that will be particularly helpful in managing your e-mail include tutorials on managing e-mail as a public record and on using Microsoft Exchange.

Q. May I print my e-mail to file it?

A. We do not recommend printing e-mail for preservation purposes. Important metadata is lost when e-mail is printed.

Q. I use my personal e-mail account for work. No one can see my personal e-mail, right?

A. The best practice is to avoid using personal resources, including private e-mail accounts, for public business. N.C. Gen. Stat. § 132-1 states that records “made or received pursuant to law or ordinance *in connection with the transaction of public business* by any agency of North Carolina government or its subdivisions” are public records (emphasis added). The fact that public records reside in a personal e-mail account is irrelevant.

Q. We have an imaging system. Are we required to keep the paper?

- A.** You may scan any record, but you will need to receive approval from the Government Records Section in order to destroy paper originals that have been digitized. Your agency must develop an electronic records policy and then submit a Request for Disposal of Original Records Duplicated by Electronic Means. You can find these templates in the Digital Imaging section of the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines#digital-imaging>). Contact a Records Management Analyst for further instructions on how to develop a compliant electronic records policy.

Permanent records must have a security preservation copy as defined by State Archives of North Carolina's [Human-Readable Preservation Duplicate Policy](#) (N.C. Gen. Stat. § 132-8.2):

Preservation duplicates shall be durable, accurate, complete and clear, and such duplicates made by a photographic, photo static, microfilm, micro card, miniature photographic, or other process which accurately reproduces and forms a durable medium for so reproducing the original shall have the same force and effect for all purposes as the original record whether the original record is in existence or not. ... Such preservation duplicates shall be preserved in the place and manner of safekeeping prescribed by the Department of Natural and Cultural Resources.

The preservation duplicate of permanent records must be either on paper or microfilm.

Non-permanent records may be retained in any format. You will need to take precautions with electronic records that you must keep more than about 5 years. Computer systems do not have long life cycles. Each time you change computer systems, you must convert all records to the new system so that you can assure their preservation and provide access.

Q. Computer storage is cheap. Can I just keep my computer records permanently?

- A.** The best practice is to destroy all records that have met their retention requirements, regardless of format.

Q. What are the guidelines regarding the creation and handling of electronic public records, including text messages and social media?

- A.** There are numerous documents available on the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines>). Topics covered include shared storage, cloud computing, e-discovery, trustworthy digital public records, digital signatures, e-mail, social media, text messages, websites, digital imaging, metadata, file formats, database indexing, and security backups.

Note that e-mail, text messages, and social media should be handled according to their content. Therefore, this schedule does not include a records series that instructs you on how to handle one of these born-digital records by format; instead of focusing on how the information is disseminated, consider what content is contained in the e-mail, text message, or social media post. For instance, an e-mail requesting leave that is sent to a supervisor should be kept for 3 years (see Leave Records, STANDARD 4: HUMAN RESOURCES RECORDS).

GEOSPATIAL RECORDS

Q. Why should geographic information system (GIS) datasets be retained and preserved?

- A.** Geospatial records are public records and need to be retained and preserved based on their legal, fiscal, evidential and/or historical value according to an established retention schedule. Local agencies involved in GIS operations should work with the State Archives of North Carolina in order to appraise, inventory, and preserve their geospatial records according to established best practices and standards to insure both their short- and long-term accessibility.

Due to the complexity and transitory nature of these records, geospatial records retention and long-term preservation is a community-wide challenge. GIS files have become essential to the function of many local agencies and will continue to frequently be utilized in agency decision-making processes in the near and far future. Accessibility of GIS records over time has legal, fiscal, practical, and historical implications. The availability of GIS records can help safeguard the local government's legal and fiscal accountability and aid agencies in conducting retrospective and prospective studies. These studies are only possible when essential data from the past are still available.

Q. What GIS datasets should be preserved by local governments?

- A.** The following types of geospatial records have been designated as having archival value:

- Parcel data
- Street centerline data
- Corporate limits data
- Extraterritorial jurisdiction data
- Zoning data, address points
- Orthophotography (imagery)
- Utilities
- Emergency/E-911 themes

For more information, see **STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS.**

Q. How often should we capture the datasets retained for their legal, fiscal, evidential or historical value?

- A.** Consult the retention schedule for frequency of capture. The frequency of capture is based on the significance of the record as well as its alterability.

Q. What data formats, compression formats, and media should be used to preserve the data?

- A.** Archiving practices should be consistent with North Carolina Geographic Information Coordinating Council (GICC) approved standards and recommendations. (Examples: Content Standards for Metadata; Data Sharing Recommendations). Consult the GICC website at <https://it.nc.gov/about/boards-commissions/gicc>.

Q. *Who should be responsible for creation and long-term storage of archived data?*

- A.** The creating agency, NCOneMap, and the State Archives of North Carolina may all have responsibility for archiving data. If you choose to upload your data to NCOneMap, consult with your county's GIS department to determine whether data will be uploaded by your agency or by the whole county. If you choose not to upload your data to NCOneMap, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.

SECURITY PRESERVATION COPIES OF RECORDS

Q. What is the advantage to having security preservation copies of records stored with the State Archives?

- A.** Having duplicate copies of essential records in a separate location mitigates the risk that you may lose the only physical copy of a given record in a disaster or other records loss event. Maintaining offsite duplicates of records, regardless of format, is a good practice to adopt.

The State Archives creates duplicate copies on microfilm because of the durability of the medium. Silver negative microfilm does not decay for hundreds of years, ensuring that your records maintain their integrity over time.

Q. What records will the State Archives back up for us?

- A.** The State Archives provides security imaging services for minutes of major decision-making boards and commissions. We will also image records of adoptions for Social Services agencies as well as maps and plats from Registers of Deeds offices. Once those records are imaged, they are converted to security microfilm. We will store the silver negative (original) microfilm in our security vault. Contact the Records Management Analyst in charge of imaging coordination for the most current information.
-

Q. How do I start the process of backing up the above listed records?

- A.** We have three processes for creating backup film copies of these records. First, you can send photocopies of your approved minutes to us in the mail. Simply include a copy of the **Certification of the Preparation of Records for Security Preservation Copy** form (available online at the [State Archives of North Carolina website](#)) with each shipment. For more detailed instructions, contact a Records Management Analyst.

Secondly, you can bring us your original books. We will film them and return them to you. This process is most useful when you have more minutes to film than you are willing to photocopy. It is important to remember that a representative of your office or ours must transport the original books in person so that the custody of the records is maintained. You should not mail or ship your original minutes. Contact the Records Management Analyst in charge of imaging coordination to schedule an appointment for your books to be imaged. We will make every effort to expedite the filming so that your books will be returned to you as quickly as possible.

Finally, you can submit these records to the State Archives electronically. Please see our procedures in "[Transfer of Minutes in Digital Formats for Microfilming](#)" or contact the Records Management Analyst in charge of imaging coordination for more information.

Q. In the event of a records loss, how do I obtain copies of the security preservation copies stored at the State Archives?

- A.** Contact the Records Management Analyst in charge of imaging coordination who will help you purchase copies of the microfilm from our office. You can then send those reels to a vendor who can either make new printed books or scan the film to create a digital copy.

Q. Can I obtain digital copies of the security preservation records?

- A.** Yes, you can request digital copies of records when you submit them to the State Archives for initial reproduction. Contact the Records Management Analyst in charge of imaging coordination to initiate a request for digital duplicates.

DISASTER ASSISTANCE

Q. What should I do in case of fire or flood?

- A.** Secure the area, and keep everyone out until fire or other safety professionals allow entry. Then, call our Raleigh office at (919) 814-6903 for the Head of the Government Records Section or (919) 814-6849 for the Head of the Collections Management Branch. If you're in the western part of the state, call our Asheville Office at (828) 250-3103. On nights and weekends, call your local emergency management office.

DO NOT ATTEMPT TO MOVE OR CLEAN ANY RECORDS.

Damaged records are extremely fragile and require careful handling. Our staff are trained in preliminary recovery techniques, documenting damage to your records, and authorizing destruction of damaged records. Professional vendors can handle larger disasters.

Q. What help do you give in case of an emergency?

- A.** We will do everything we can to visit you at the earliest opportunity in order to provide hands-on assistance. We can assist you in appraising the records that have been damaged so that precious resources (and especially time) are not spent on records with lesser value. We can provide lists of professional recovery vendors that you can contact to preserve your essential and permanent records.
-

Q. What can I do to prepare for an emergency?

- A.** We provide training on disaster preparation that includes a discussion of the roles of proper inventories, staff training, and advance contracts with recovery vendors. If you would like to have this workshop presented, call a Records Management Analyst.
-

Q. What are essential records?

- A.** Essential records are records that are necessary for continuity of operations in the event of a disaster. There are two common categories of records that are considered essential:
- **Emergency operating records** – including emergency plans and directives, orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records.
 - **Legal and financial rights records** – these protect the legal and financial rights of the Government and of the individuals directly affected by its activities. Examples include accounts receivable records, Social Security records, payroll records, retirement records, and insurance records. These records were formerly defined as “rights-and-interests” records.

Essential records should be stored in safe, secure locations as well as duplicated and stored off-site, if possible.

STAFF TRAINING

Q. What types of workshops or training do you offer?

A. We have a group of prepared workshops that we can offer at any time at various locations throughout the state. Contact a Records Management Analyst if you are interested in having one of the workshops presented to your agency. We will work with you directly to develop training suited to your specific needs. Our basic workshops are:

- Managing public records in North Carolina
- Disaster preparedness and recovery
- Confidentiality
- Organizing paper and digital files
- Digital communications

Q. Will you design a workshop especially for our office?

A. Yes, we will. Let a Records Management Analyst know what type of training you need.

Q. Are workshops offered only in Raleigh?

A. No, we will come to your offices to present the workshops you need. We have no minimum audience requirement. We will also do presentations for professional associations, regional consortiums, and the public. To arrange a workshop, please call the State Records Center at 919-814-6900 or contact a Records Management Analyst (<https://archives.ncdcr.gov/government/local/analysts>).

Q. Is there a fee for workshops?

A. Not at this time.

Q. Are the workshops available in an online format?

A. We can offer a virtual workshop for your agency upon request. For descriptions of available webinars, see <https://archives.ncdcr.gov/government/training/webinars>. You can also find several online tutorials available on the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/training/online-tutorials-and-resources>).



Request for Change in Local Government Records Schedule

Use this form to request a change in the records retention and disposition schedule governing the records of your agency. Submit the signed original and keep a copy for your file. A proposed amendment will be prepared and submitted to the appropriate state and local officials for their approval and signature. Copies of the signed amendment will be sent to you for insertion in your copy of the schedule.

AGENCY INFORMATION

Requestor name _____

Location and Agency [e.g., County/Municipality + Department of Social Services] _____

Phone and email _____

Mailing Address _____

CHANGE REQUESTED

Specify title and edition of records retention schedule being used: _____

- ☐ Add a new item
☐ Delete an existing item
☐ Change a retention period

Standard Number _____ Page _____ Item Number _____
Standard Number _____ Page _____ Item Number _____

Title of Records Series in Schedule or Proposed Title: _____

Inclusive Dates of Records: _____

Proposed Retention Period: _____

Description of Records: _____

Justification for Change: _____

Requested by: _____

Signature

Title

Date

Approved by: _____

Signature

Requestor's Supervisor

Date



Request for Disposal of Unscheduled Records

AGENCY INFORMATION

Requestor name

Location and Agency [e.g., County/Municipality + Department of Social Services]

Phone and email

Mailing Address

In accordance with the provisions of N.C. Gen. Stat. § 121 and § 132, approval is requested for the destruction of records listed below. These records have no further use or value for official administrative, fiscal, historical, or legal purposes.

RECORDS TITLE AND DESCRIPTION	INCLUSIVE DATES	QUANTITY	RELEVANT STATUTORY REGULATIONS	PROPOSED RETENTION PERIOD

Requested by:

Signature

Title

Date

Approved by:

Signature

Requestor's Supervisor

Date

Concurred by:

Signature

Assistant Records Administrator
State Archives of North Carolina

Date



Request for Disposal of Original Records Duplicated by Electronic Means

If you have questions, call (919) 814-6900 and ask for a Records Management Analyst.

This form is used to request approval from the Department of Natural and Cultural Resources to dispose of non-permanent paper records that have been scanned, entered into databases, or otherwise duplicated through digital imaging or other conversion to a digital environment. This form does not apply to records that have been microfilmed or photocopied or to records with a permanent retention.

Agency Contact Name:		Date (MM-DD-YYYY):
Phone (area code):	Email:	
County/Municipality:	Office:	
Mailing address:		

Records Series Title A group of records as listed in records retention schedule	Description of Records Specific records as referred to in-office	Inclusive Dates (1987-1989; 2005-present)	Approx. Volume of Records (e.g. "1 file cabinet," "5 boxes")	Retention Period As listed in records retention schedule

Requested by:	Signature	Title	Date
Approved by:	Signature	Requestor's Supervisor	Date
Concurred by:	Signature	Assistant Records Administrator State Archives of North Carolina	Date



919-814-6900

County/Municipality			
Division		Section	Branch

A-22

Related Records Series Found in Local Agency Program Schedules

In some limited cases, records series with similar names and/or functions that are created and maintained by local government entities have not been superseded by the *General Records Schedule: Local Government Agencies*. These records series are described as unique records series in one of the local program retention schedules issued separately by DNCR for use by specific local agencies. This duplication occurs when records with similar names and/or functions have different retention guidance due to statutory, legal, evidentiary, or fiscal requirements. An example of this is the accounts receivable records series. In the *General Records Schedule*, the Accounts Receivable records series has a disposition instruction of "Destroy in office 3 years after collection." In the *Local Health Departments Schedule*, the Accounts Receivable records series also includes the disposition instruction, "Destroy records supporting the expenditure of federal funds passed through NC DHHS on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions." In both cases, the records series documents the money received by the local agency, however, the retention requirements for the Accounts Receivable: Clinical Services differ due to specific retention requirements concerning the management and dispersal of grant funds.

The purpose of this table is to provide a source for determining if the general records series item listed in the *General Records Schedule: Local Government Agencies* covers the function and/or retention requirements associated with the records created by your agency or if a specific program schedule applies. This table provides pointers to the relevant records series that can be found in one or more of the local agency program schedules.

Here's how to use the table:

- The records series found in the left-most column are listed and described in the *General Records Schedule: Local Government Agencies* and appear in this schedule with a (a) beside them.

ACCOUNTS RECEIVABLE @

Records concerning receivables owed and collected. Includes billing statements, records of payment received, remittances, subsidiary registers, overpayment or refund records, deposits, fines and fees assessed, and collection of past due accounts. Also includes records concerning accounts sent to NC Debt Setoff Program for collection.

- The middle column lists similar records series from one or more of the schedules that have been issued separately for use by specific local agencies.
- The right-hand column lists the local agency program schedule that includes the records series listed in the middle column. The agencies represented in the right column include, but are not limited to, local health departments, Registers of Deeds, Sheriff's offices, local social services agencies, and tax offices.

If you need further information, please contact a Records Management Analyst.

Local General Schedule Records Series	Related Records Series	Local Program Schedule
Accounts Receivable	Accounts Receivable: Clinical Services	Local Health Departments Schedule

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

Local General Schedule Records Series	Related Records Series	Local Program Schedule
Accounts Receivable (cont.)	Accounts Receivable – Client Services	LME Schedule LME-MCO Schedule
Administrative Directives, Regulations, and Rules	State Board of Elections Numbered Memos	County Board of Elections Schedule
Audits: Financial	Clinical Record Audits	Local Health Departments Schedule
	Clinical Record Audits	LME Schedule
	Clinical Record Audits	LME-MCO Schedule
Audits: Performance	Pharmacy Audit Records	Local Health Departments Schedule
Blueprints and Specifications	Blueprints and Specifications Project Records – Core	Local Government Agencies Program Schedule
Community Awards	Student Awards and Honors Records	Local Public School Unit Schedule
Conferences and Workshops	Health Promotion Training Records	Local Health Departments Schedule
Constituent Comments, Complaints, Petitions, and Service Requests	Animal Complaint Records Illegal Dumping File Violations: Building and Housing Violations: Solid Waste Management Complaints (Law Enforcement) Complaints Complaints: All Service Areas Animal Complaints Complaints File Complaints File Complaints File School Health Provider Contracts Petroleum Leases Register Public Health Emergency Preparedness and Response Records Equipment and Instrument Maintenance and Repair File	Local Government Agencies Program Schedule
Contracts, Leases, and Agreements		County Sheriff's Office County Social Services Agencies Schedule Local Health Departments Schedule LME Schedule LME-MCO Schedule
Disaster and Emergency Management Plans		Local Health Departments Schedule Register of Deeds Schedule Local Health Departments Schedule
Equipment and Vehicle Maintenance, Repair, and Inspection Records	Autopsy and Surgical Pathology: Instrument Maintenance Records Clinical Laboratory Records: Instrument Maintenance Records Cytology Records: Instrument Maintenance Records File Instrument Maintenance File	Public Hospitals Schedule

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

Local General Schedule Records Series		Related Records Series	Local Program Schedule
Grants Grants: Financial		CDBG Records CDBG Outstanding Loan Balances CDBG Subject to Reversion of Assets Provisions or Change of Use of Real Property Continuum of Care Records Emergency Solutions Grants Records Home Investment Partnerships Program Records Housing Assistance for Persons with Disabilities Housing Opportunities for Persons with AIDS Records	Local Government Agencies Program Schedule
	Indices	Board of Adjustment Case Files and Indexes Conditional Use Permit Records and Index Rezoning Records and Indexes Master Client Identification File (Master Client Index) Master Patient Index Armed Forces Discharges and Index Chattel Mortgages and Index Corporations (Incorporations) Records and Index Deeds, Record of and Index Deeds of Trust (Mortgages), Record of and Index Highway Right-of-Way Maps and Index Land Sold for Taxes and Index Merchant Returns and Index Mineral Rights Records and Index Notaries Public Records and Index Official Record Book and Index Partnerships and Assumed Names Records and Index Plats, Maps, and Index Registration of Titles (Torrens Act) and Index Surveys, Record of and Index Timber Marks and Index Vital Records: Births and Index Vital Records: Deaths and Index Vital Records: Delayed Births and Index Drug Inventories	Local Government Agencies Program Schedule LME Schedule LME-MCO Schedule Public Hospital Schedule Register of Deeds Schedule
Inventories			Local Health Departments Schedule

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

Local General Schedule Records Series	Related Records Series	Local Program Schedule
Inventories (cont.)	Drugs Inventories	Public Hospitals Schedule
Maps: All Other	Utilities: Maps (Utility Installations & Distributions) Plats, Maps, and Index Maps (Utility Installations and Distributions)	Local Government Agencies Program Schedule Register of Deeds Schedule Water and Sewer Authorities and Sanitary Districts Schedule
Policies and Procedures	Clinical Policies and Procedures Laboratory Procedures Manual Behavioral Health Program Policy and Procedure Records	Local Health Departments Schedule
Poll List/Registration List/Roster/Authorization to Vote (ATV)	Laboratory Procedures/Protocol File	Public Hospitals Schedule
Projects	Poll List/Registration List/Roster/Authorization to Vote (ATV) Appraisal Project File Project Records – Cancelled Project Records – Core Project Records – Engineering & Compliance State Board of Elections Correspondence and Reports	County Board of Elections Schedule Local Government Agencies Program Schedule County Board of Elections Schedule
Publicity Records	Water and Wastewater System Project Records	Waste and Sewer Authorities and Sanitary Districts Schedule
Rate and Fee Schedules	Student Publicity Records Fee Schedules Fee Schedules Fee Schedules	Local Public School Unit Schedule Local Health Departments Schedule LME Schedule LME-MCO Schedule
Recordings: Customer Call Center Recordings Audio-Visual Recordings	Traffic Video Recordings and Data Law Enforcement Audio and Video Recordings Communication Records Electronic Recordings of Interrogations Audio and Video Recordings Communication Records Electronic Recordings of Interrogations (Juvenile and Homicide)	Local Government Agencies Program Schedule County Sheriff's Office

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2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
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	Monthly Law Enforcement Activity Reports	
	Monthly Operating Report to Board	
	Receiving Report	
	Sales Reports	
	Stock Difference Reports	County Board of Elections Schedule
	Weekly Warehouse Reports	
	Campaign Contribution and Expenditure Reports	
	Ballot Reports	
	State Board of Elections Correspondence and Reports	
	Voter Registration Lists and Reports	County Sheriff's Office
	Alarm Call Reports	
	Arrest Reports	
	Detention Facility Incident Reports	
	DWI Reports	
	Incident Response Reports	Local Health Departments Schedule
	Inmate Death Reports	
	Traffic Accident Reports	
	Program Time and Activity Reports	
	Medicare Disbursement Reports	
	Communicable Disease Reports	LME Schedule LME-MCO Schedule
	Test Reports	
	Adverse Drug Reaction Reports	
	Intravenous Hood Performance Reports	
	Medication Storage Inspection Reports	
	Medicare Disbursement Reports	Public Hospitals Schedule
	Admission/Discharge/Transfer Reports	
	Communicable Disease Reports	
	Call-In Reports	
	Adverse Drug Reaction Reports	
	Intravenous Hood Performance Reports	
	Medication Storage Inspection Reports	

(continued on following page)

2021 GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Local General Schedule Records Series	Related Records Series	Local Program Schedule
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Strategic Plan	Land Development and Planning Studies and Reports Parks Planning File Comprehensive Plan and Amendments Environmental: Comprehensive Solid Waste Management Plan and Amendments Planning File (Street Maintenance)	Local Government Agencies Program Schedule

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EXHIBIT 2

RECORDS RETENTION AND DISPOSITION SCHEDULE

PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

October 1, 2021

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Program Records Schedule: Local Government Agencies

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 Program Records Schedule: Local Government Agencies**:

10. Airport Authority Records
11. Animal Services Records
12. Code Enforcement and Inspection Records
13. Emergency Medical Services and Fire Department Records
14. Parks and Recreation Records
15. Planning and Regulation of Development Records
16. Public Housing Authorities, Redevelopment Commissions, and Entitlement Communities Records
17. Public Transportation Systems Records
18. Public Utilities and Environmental/Waste Management Records
19. Street Maintenance, Public Works, and Engineering Records
20. Law Enforcement Records (excluding Sheriff's Offices)
21. Tax Records (for municipalities)

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

Destructions

N.C. Gen. Stat. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

“(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.”

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.

Audits and Litigation Actions

Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

Electronic Records

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, N.C. Gen. Stat. § 132-6.1(a) specifies:

“Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software.”

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

Reference Copies

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when “*reference value ends*.” All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction “*destroy when reference value ends*.” If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction “*destroy when reference value ends*.”

Record Copy

A record copy is defined as “The single copy of a document, often the original, that is designated as the official copy for reference and preservation.”¹ The record copy is the one whose retention and disposition is mandated by these schedules; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social

¹ Society of American Archivists, *Dictionary of Archives Terminology*.

media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

Transitory Records

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”²

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with their appropriate retention schedule and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from a DNCR records analyst.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

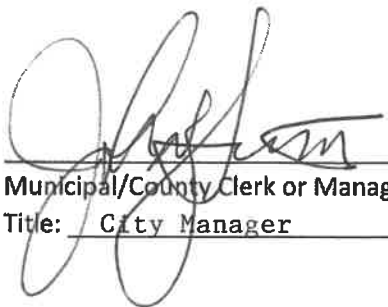
Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary’s seal), they must be retained according to the disposition instructions for the records series encompassing the forms’ function.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. These schedules supersede previous versions of these schedules and any localized amendments; they are to remain in effect from the date of approval until they are reviewed and updated.

² Ibid.



Municipal/County Clerk or Manager
Title: City Manager

APPROVAL RECOMMENDED



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: Mayor



D. Reid Wilson, Secretary
Department of Natural and Cultural
Resources

County/Municipality: City of Asheboro

Effective: October 1, 2021

EXECUTIVE SUMMARY

- ✓ Some records are covered by the *General Records Schedule: Local Government Agencies* and, therefore, are not listed separately here.
- ✓ According to N.C. Gen. Stat. § 121-5(b) and N.C. Gen. Stat. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (from Society of American Archivists, *Dictionary of Archives Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by N.C. Gen. Stat. § 121-5 and N.C. Gen. Stat. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions listed with the identified record series.
- ✓ The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management and scanning guidelines.
- ✓ The State Archives of North Carolina creates security preservation record copies for minutes and selected other records of governing bodies and commissions, adoption records, and maps and plats. Agencies can request copies of the digital images made during this process. Contact the appropriate Records Management Analyst to begin this process.
- ✓ If you have records that are not listed in this schedule, contact a Records Management Analyst. An analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do not have historical value, we will ask you to complete a [Request for Disposal of Unscheduled Records](#) (page A-19) for records that are no longer being created.

LEGEND FOR RECORDS SCHEDULE

This records retention and disposition schedule applies to records in all media, unless otherwise specified.



– symbol designating that one or more records in this series may be confidential or Includes confidential information.

Item # – an identifying number assigned to each records series for ease of reference.

Series – “a group of similar records that are . . . related as the result of being created, received, or used in the same activity.” (From Society of American Archivists, *Dictionary of Archives Terminology*). Series in this schedule are based on common functions in government offices.

Records Series Title – a short identification of the records in a series, based on their common function.

Series Description – a longer description of the records in a series, often including the types of records that can frequently be found in that series. This information is included underneath the Records Series Title.

Disposition Instructions – instructions dictating the length of time a series must be retained and how the office should dispose of those records after that time.

Citation – a listing of references to statutes, laws, and codes related to the records series. Citations can include:

- Authority: governing the creation of records
- Confidentiality: limiting access to public records
- Retention: setting a retention period

Throughout this schedule, items that cross-reference other items within this schedule are indicated with a SEE ALSO reference. If you hover your cursor over one of these items, you will see the hand tool that will enable you to click on the item to follow the link to that location.

AUDITS: PERFORMANCE

Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records.

SEE ALSO: Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).

Sample records series title and description with cross-reference included

No destruction of records may take place if litigation or audits are pending or reasonably anticipated. See also AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS, page A-5.

2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



STANDARD 10: PROGRAM OPERATIONAL RECORDS – AIRPORT AUTHORITY RECORDS

Official records and materials created and accumulated incidental to the operation of a county or municipal airport.

10: Airport Authority

STANDARD 10: AIRPORT AUTHORITY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
10.01	ACCESS CONTROL RECORDS Records concerning employee or contractor access to facilities or resources.	Destroy in office 1 year after expiration.	
10.02	AIR SPACE CONSTRUCTION Applications to construct structures which may obstruct flight space. Includes correspondence and related records.	Destroy in office after 5 years.	
10.03	AIRFIELD INSPECTION Records concerning airfield inspections on runway conditions, fueling agents, fire and rescue facilities, ground vehicle control and other airport condition information.	Destroy in office after 1 year.	Authority/Retention: 14 CFR 139.301
10.04	AIRPORT MASTER RECORD Federal Aviation Administration (FAA) form 5010 documenting basic information concerning airports.	Destroy in office when superseded or obsolete.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



10: Airport Authority

STANDARD 10: AIRPORT AUTHORITY RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
10.05	LAND DEVELOPMENT AND PLANNING STUDIES AND REPORTS Records documenting local government and airport authority land use and development planning.	Retain in office permanently.	
10.06	RADIO LOGS Records of radio calls received and placed.	Destroy in office after 1 year.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that *Natural and Cultural Resources* has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

STANDARD 11: PROGRAM OPERATIONAL RECORDS – ANIMAL SERVICES RECORDS

Records created and received during the conduct of animal services programs.

NOTE: Some records are covered by General Records Schedule: Local Government Agencies and, therefore, are not listed separately here. See Reference (Reading) File and Reports and Studies (Administration and Management Records).

11: Animal Services

STANDARD 11: ANIMAL SERVICES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
11.01	ANIMAL ABUSE AND CRUELTY RECORDS Includes complaints, citations and/or compliance orders, and other related records.	Destroy in office after 5 years.*	See G.S. 14-360 for definition of animal cruelty.
11.02	ANIMAL COMPLAINT RECORDS Includes complaints of animal nuisances.	Destroy in office after 3 years.*	
11.03	ANIMAL CONTROL RECORDS Records of animal control calls. Includes information regarding animal bites, animals received from residents, strays caught, animals taken to shelter or returned to owner, use of tranquilizer guns, and other related records. Also includes citations and/or compliance orders issued to animal owners for violations of government ordinances.	a) Destroy in office records concerning dangerous animals when known dead or after 10 years. b) Destroy in office animal control citations and compliance orders after 3 years.* c) Destroy in office remaining records after 1 year.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



11: Animal Services

STANDARD 11: ANIMAL SERVICES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
11.04 	ANIMAL LICENSING RECORDS Records concerning the licensing of dogs, cats, and other animals. Includes owner and animal information and record of fees paid.	Destroy in office after 3 years.*	Confidentiality: G.S. 132-1.2 (2)
11.05 	ANIMAL SHELTER RECORDS Records of animals impounded at the shelter, including date of impoundment, length of impoundment, disposition of animal, and any other information required by rules adopted by the State Board of Agriculture. Also includes certificates of animal release (e.g., adoption, reclaim, transfer, return to field) and owner contact records.	Destroy in office 3 years after date of impoundment.	Authority/Retention: G.S. 19A-32.1(j) Confidentiality (for specific counties): G.S. 132-1.15
11.06	CONTROLLED SUBSTANCE EUTHANASIA LOG Includes amount of controlled substances used.	Destroy in office after 2 years.	Retention: 21 CFR 1304.04
11.07	HISTORIES OF PET OWNERS Records concerning information for each animal owner who violates government ordinances. Includes complaint forms and other related records.	Destroy in office after 3 years.*	
11.08	RABIES VACCINATION RECORDS Includes rabies vaccination certificates submitted to agency by area veterinarians.	Destroy in office after 3 years.	Authority: G.S. 130A-189

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

STANDARD 12: PROGRAM OPERATIONAL RECORDS – CODE ENFORCEMENT AND INSPECTION RECORDS

Official records and materials created and accumulated during the conduct of local government code enforcement and inspection programs.

NOTE: Some records are covered by the General Records Schedule: Local Government Agencies and, therefore, are not listed separately here.

12: Codes & Inspections

STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.01	AIR POLLUTION SOURCE INFORMATION Includes records for facilities which are no longer operational.	Destroy in office after 2 years.*	
12.02 	BLUEPRINTS AND SPECIFICATIONS Records concerning blueprints and specifications of local government owned buildings and facilities, or drawings submitted when applying for a building permit for new construction. Includes as-built plans and related records concerning approved changes or used in determining code compliance and enforcement of building code. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Blueprints and Specifications (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain agency blueprints and specifications for life of structure. b) Destroy in office commercial blueprints and specifications 1 year after completion of project. c) Destroy in office residential blueprints and specifications when reference value ends.± Agency Policy: Destroy in office after <u>1 year from date of issuance of certificate of occupancy</u> .	Confidentiality: G.S. 132-1.7

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

12: Codes & Inspections

STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.03	BUILDING AND ROAD PERMITTING AND INSPECTION RECORDS Records documenting applications for permits from property owners to erect new structures or manufactured homes, or to make structural modifications, demolition, fire permits, or the installation of plumbing, electrical, or mechanical systems. Includes permits, inspection reports, inspector's worksheets, inspection requests, denial reports, sketches, correspondence (including e-mail), and contractor change forms.	a) Destroy in office permits, applications, and inspection reports (or worksheets) 6 years after Certificate of Occupancy is issued or project is complete (inactive). b) Destroy in office Certificate of Occupancy 6 years after permit is expired. c) Destroy in office remaining records, including applications for which a permit was never issued, when reference value ends.± Agency Policy: Destroy in office after <u>1 year.</u>	
12.04	CONTROLLED SUBSTANCE LABS DECONTAMINATION RECORDS Records concerning decontamination compliance.	Destroy in office 3 years after documented decontamination is complete.	
12.05	DROUGHT CONTINGENCY PLANS Includes water conservation plans in the event of a drought.	Destroy in office when superseded or obsolete.	
12.06	EROSION AND SEDIMENT CONTROL ENFORCEMENT CASES Includes settled legal matters and penalties. SEE ALSO: Violations: Building and Housing, below.	Destroy in office 6 years after settlement.*	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



12: Codes & Inspections

STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.07	EROSION AND SEDIMENT CONTROL PLANS Includes approved and disapproved plans as well as revisions and addenda.	a) Destroy in office approved plans 6 years after approval or last revision and/or addendum. b) Destroy in office non-approved plans after 3 years.	
12.08	EXEMPTION (VARIANCE) RECORDS Records concerning exemptions and variances concerned with the installation of water, sewer, gas, or electric lines.	a) Destroy in office 5 years after expiration.* b) Destroy in office records for which an exemption or variance was not issued after 3 years.	Retention: 40 CFR 141.33 15A NCAC 18C .1526
12.09	GOING-OUT-OF-BUSINESS LICENSES Records concerning licenses granted to business to hold going out of business, water and smoke damage, and distress sales.	Destroy in office 1 year expiration.	
12.10	GROUNDWATER MONITORING RECORDS Includes all groundwater monitoring wells and associated groundwater surface elevations.	Destroy in office after 5 years.*	Authority: 15 NCAC 2C .0100
12.11	ILLEGAL DUMPING FILE Records concerning illegal dumping complaints received. SEE ALSO: Violations: Solid Waste Management, below.	Destroy in office after 5 years.*	
12.12	INSPECTIONS Inspections conducted by local government agencies concerning enforcement of state and local laws, codes, and ordinances.	Destroy in office after 6 years.*	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



12: Codes & Inspections

STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.13	LEAD AND COPPER COMPLIANCE RECORDS Includes all monitoring records required by federal, state, and local regulations.	Destroy in office after 12 years.*	Retention: 40 CFR 141.91
12.14	LANDFILL TONNAGE AND COST FILE	Destroy in office after the 5 year reporting period is complete.	
12.15	PERMITS: CONSTRUCTION Records documenting applications and permits regarding sign installation, fencing, swimming pools, driveways, or similar activity required by local ordinance. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Miscellaneous (Non-Building) Applications, Licenses, and Permits (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Destroy in office 3 years after completion of project. b) Destroy in office applications for which a permit was never issued when reference value ends.± Agency Policy: Destroy in office after <u>3 years</u> .	
12.16	PERMITS: PUBLIC UTILITIES PROJECTS Records documenting permits, approval letters, and other related documentation required by local, state, or federal ordinance, regulation, or statute. Includes records regarding National Pollutant Discharge Elimination System (NPDES) permits.	a) Retain in office approval letters and supporting documentation permanently. b) Destroy in office permits 6 years after expiration, cancellation, revocation, or denial.*	Authority: 40 CFR 122.28 15A NCAC 18C .0300 Confidentiality: 15A NCAC 02H .0115

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

± The Agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

12: Codes & Inspections

STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.17	RECREATIONAL VEHICLE REGISTRATION RECORDS Records concerning issuance of registrations/decals for recreational vehicles. Includes, but is not limited to, golf carts, canoes, and mopeds as well as proof of insurance and renewals.	Destroy in office 1 year after expiration.*	
12.18	UNSAFE BUILDINGS FILE Records documenting inspections and notifications to owners of unsafe conditions relative to a particular structure. SEE ALSO: Violations: Building and Housing, below.	Destroy in office after 6 years provided all issues have been resolved.*	
12.19	VALVE OPERATION FILE	Destroy in office when reference value ends. ± Agency Policy: Destroy in office after <u>3 years.</u>	
12.20	VIOLATIONS: BUILDING AND HOUSING Records documenting violations of building and fire code, minimum housing, and erosion and sediment control. Includes complaints, summons, notices, appeals, and other information created or compiled during the course of investigation and resolution of each alleged violation. SEE ALSO: Water Analysis, below.	a) Destroy building code violations in office 6 years after verification of correction. b) Destroy remaining records in office 3 years after verification of correction.*	

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



12: Codes & Inspections

STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.21	VIOLATIONS: SOLID WASTE MANAGEMENT Includes complaints, notices of violations, citations, investigation records, court documents, and other related records issued by solid waste environmental enforcement programs.	Destroy in office 7 years after resolution of case.*	
12.22	VIOLATIONS: WATER CONSERVATION Records concerning notices of water conservation violations.	Destroy in office when reference value ends. ± Agency Policy: Destroy in office after <u>3 years from date of verification of compliance.</u>	
12.23	WASTEWATER POLLUTION CONTROL AND ABATEMENT RECORDS	Destroy in office after 5 years.*	Authority: 15A NCAC 2B .0505
12.24	WASTEWATER QUALITY ANALYSIS RECORDS	a) Destroy in office analysis reports after 3 years.* b) Destroy in office monitoring and calculation sheets after 1 year.*	Authority: 15A NCAC 2B .0505

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



12: Codes & Inspections

STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
12.25	WATER ANALYSIS Records concerning bacteriological, chemical, radiological, and physical analyses and climatological observations as well as records of actions taken to correct violations. SEE ALSO: Violations: Building and Housing and Violations: Water Conservations, above.	a) Destroy in office records of chemical and radiological analysis after 10 years. b) Destroy in office records of bacteriological and turbidity analysis after 5 years. c) Destroy in office records of actions taken to correct violations 3 years after last corrective action taken. d) Destroy in office remaining records after 5 years.	Retention: 40 CFR 141.33 15A NCAC 18C .1526
12.26	WATER SYSTEM OPERATIONS RECORDS Records concerning the operations of water supply, treatment, distribution, and collection. Includes backflow prevention reports, flow reports, capacity studies, pump station reports, and similar records that summarize	Destroy in office after 10 years.	Retention: 40 CFR 141.33 15A NCAC 18C .1526
12.27	WATER TANKS, SPECIFICATIONS, AND BOOSTER STATIONS FILE	Destroy in office after 5 years.*	

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STANDARD 13: PROGRAM OPERATIONAL RECORDS – EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS

Official records documenting the primary functions of emergency services programs and fire departments.

Footage from body-worn cameras is scheduled by the content captured or the purpose of the footage rather than by its format. Recordings may fit under FIRE INVESTIGATION CASE FILES, DISPATCH RECORDS AND RECORDINGS, PUBLICITY RECORDS (General Schedule), TRAINING AND EDUCATIONAL RECORDS (General Schedule), and other items as appropriate. Footage is only confidential if it fits within an item where confidentiality is conferred by state or federal statute.

13: EMS & Fire Department

STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.01 	911 COMMUNICATION RECORDS AND RECORDINGS Records documenting any communications made by the public with 911. Includes transcripts and recordings of 911 calls received, transcripts of text messages received by 911, and computer-aided dispatch (CAD) reports. SEE ALSO: Dispatch Records and Recordings, below AND PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Communication Records (STANDARD 20: LAW ENFORCEMENT RECORDS)	Destroy in office after 30 days, if not made part of a case file.*	Confidentiality: G.S. 132-1.5 G.S. 132-1.4(c)(4) Retention: G.S. 132-1.4(i)
13.02 	AMBULANCE CALL REPORTS (ACR)/PATIENT CARE REPORTS (PCR) Records concerning equipment used, patient location, nature of call, vital signs and other physical signs, care rendered, medicine ordered, etc.	a) Transfer copy of report to the admitting hospital for inclusion into patient's medical record. b) Destroy original in office after 3 years.*	Confidentiality: G.S. 130A-12

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



13: EMS & Fire Department

STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.03	BUILDING AND FIRE SAFETY SYSTEM PLANS Records concerning plans and fire safety systems of commercial, industrial, and government-owned properties.	Destroy in office when superseded or obsolete.	
13.04	 DISPATCH RECORDS AND RECORDINGS Records and recordings concerning activities during an emergency services dispatch. Includes company run reports and fire journals as well as ambulance dispatch and service run records. Also includes footage from body-worn cameras of EMS and Fire Department personnel when responding to an emergency if not otherwise included in a separate item. SEE ALSO: 911 Communication Records and Recordings, above AND PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Communication Records (STANDARD 20: LAW ENFORCEMENT RECORDS).	Destroy in office after 30 days, if not made part of a case file.*	Confidentiality: G.S. 132-1.4 G.S. 143-518 45 CFR 164.501 42 U.S.C. 1395x
13.05	FIRE ALARM AND AUTOMATIC EXTINGUISHER FILE Records documenting licenses and insurance certificates of companies that perform installations of fire alarm and automatic extinguishing systems.	Destroy in office when superseded or obsolete.	
13.06	FIRE DISPATCH FILE Records concerning fire dispatch zones. Includes maps of fire dispatch zones, census tract information, annexation research, street closings, and other related material.	Destroy in office when superseded or obsolete.	

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13: EMS & Fire Department

STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.07 	FIRE INVESTIGATION CASE FILES Records concerning investigations of fire. Includes reports, photographs, evidence, and other related records. SEE ALSO: PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Case File: Felonies AND Case File: Misdemeanors (STANDARD 20: LAW ENFORCEMENT RECORDS).	a) Retain in office permanently when loss of life occurs or if a publicly-owned building is involved.* b) Destroy in office after 10 years when arson is involved.* c) Destroy in office after 5 years when cause of fire is determined to be accidental and no loss of life occurs.*	Confidentiality: G.S. 132-1.4
13.08	FIRE SAFETY INSPECTIONS AND PERMITS Records documenting inspections of and permits issued for fire protection measures and procedures for systems and buildings.	a) Destroy in office inspections with no defects after 3 years. b) Destroy in office inspections with noted defects 3 years after defects are corrected.* c) Destroy in office permits 3 years after expiration.	
13.09	NORTH CAROLINA FIRE INCIDENT REPORT Includes report required by state statute to document certain fire incidents. <i>For retention of copies of fire incident reports filed with other agencies, see: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Reports (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).</i>	Retain original report permanently.	Authority/Retention: G.S. 58-79-45

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

13: EMS & Fire Department

STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.10 	PHARMACEUTICAL AND NARCOTICS RECORDS Records documenting the administration of pharmaceuticals and narcotics to patients as required by the Drug Enforcement Agency.	Destroy in office after 3 years.*	Authority: 21 CFR 1310.03 Confidentiality: G.S. 130A-12 Retention: 21 CFR 1310.04

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

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STANDARD 14: PROGRAM OPERATIONAL RECORDS – PARKS AND RECREATION RECORDS

Records created and received by Parks and Recreation departments.

14: Parks and Recreation

STANDARD 14: PARKS AND RECREATION RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
14.01	ADMISSION RECORDS Records of admissions to parks or recreation facilities.	Destroy in office after 3 years.*	
14.02	CITATIONS RECORDS Citations issued by park personnel to persons who violate park rules and regulations.	Destroy in office after 2 years.	
14.03	OFFICIALS FILE Records concerning individuals who officiate games. Includes schedule and correspondence (including e-mail). SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Payroll and Earnings Records (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS) or Seasonal and Contract Worker Records (STANDARD 4: HUMAN RESOURCES RECORDS) for disposition of payment records.	Destroy in office after 3 years.	

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14: Parks and Recreation

STANDARD 14: PARKS AND RECREATION RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
14.04	PARKS PLANNING FILE Records concerning master plans and working plans for each park property and recreational facility which show layout, topography, and proposed developments and improvements. Includes drainage and resource maps, aerial maps, site analysis drawings, construction plans, and as-built drawings. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Strategic Plan (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS) AND GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Maps: Parks (STANDARD 3: GEOGRAPHIC INFORMATION SYSTEMS (GIS) RECORDS).	a) If an element of the Strategic Plan, destroy in office when reference value ends.± superseded or Agency Policy: Destroy in office after <u>obsolete</u>. b) If not an element of the Strategic Plan, destroy in office when superseded or obsolete.
14.05	POOL RECORDS Records concerning monthly reports indicating operational data, chemicals used, chlorination levels and other information relating to pool construction, maintenance, and health and safety.	Destroy in office after 1 year.
14.06	 RECREATION PROGRAMS Records concerning athletic and recreation programs. Includes staff notes, lesson plans, course descriptions, instruction manuals, schedules, team rosters, reservation records, copies of receipts for fees paid, age verification records, and concession operators list.	a) Destroy in office program records after 3 years. b) Destroy age verification records when reference value ends.± Agency Policy: Destroy in office after <u>1 year from date participant reaches 18 years of age</u>.
		Confidentiality: G.S. 132-1.12

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14: Parks and Recreation

STANDARD 14: PARKS AND RECREATION RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
14.07	TICKET STUBS	Destroy in office when reference value ends. $\pm$ Agency Policy: Destroy in office after <u>1</u> year.	

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STANDARD 15: PROGRAM OPERATIONAL RECORDS – PLANNING AND REGULATION OF DEVELOPMENT RECORDS

Official records and materials created and accumulated during the conduct of local government planning, regulation of development, and zoning programs.

Community Development Block Grants (CDBG) records are found in Standard 16: Public Housing Authorities, Redevelopment Commissions, and Entitlement Communities Records.

NOTE: Some records are covered by the Local Government Agencies General Records Retention and Disposition Schedule and, therefore, are not listed separately here.

15: Planning and Regulation of Development

STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
15.01	BOARD OF ADJUSTMENT CASE FILES AND INDEXES Cases submitted to the board requesting variances from current zoning ordinances. Includes indexes to cases reviewed by the board.	a) Retain indices in office permanently. b) Destroy in office case files after 6 years.*
		Retention: G.S. 1-50(5)

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

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15: Planning and Regulation of Development

STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.02	CERTIFICATES OF APPROPRIATENESS Certificates submitted by the Historic Preservation Commission allowing alterations to exterior portions of building and structures on or within historic landmarks and districts. Includes applications and other related records.	a) Retain in office certificates for life of structure and then destroy. b) Destroy in office denied applications when reference value ends. ± Agency Policy: Destroy in office after <u>7 years from the date of the last entry</u> . c) Destroy in office remaining records when reference value ends. ± Agency Policy: Destroy in office after <u>3 years from the date of the last entry</u> .	Authority: G.S. 160A-400.9
15.03	COMPREHENSIVE PLAN AND AMENDMENTS Official copies of comprehensive plan and all background surveys, studies, reports, draft versions of plans, and supporting documentation. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Strategic Plan (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain in office permanently adopted plan and amendments. b) Destroy in office remaining records 3 years after adoption of plan.	

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15: Planning and Regulation of Development

STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.04	CONDITIONAL USE PERMIT RECORDS AND INDEX Records concerning applications for conditional use permits. Permits allow for the construction of buildings, on the condition that impacts on neighborhoods are mitigated. Includes original application, blueprint drawings, investigative reports, planning commission recommendations, cash receipts, and related correspondence (including e-mail). Also includes reference copies of variances or exceptions from zoning regulations granted by the Board of Adjustment.	a) Destroy in office 3 years after discontinuance of use. b) Destroy in office applications for which a permit was never issued when reference value ends. ± Agency Policy: Destroy in office after 3 years from date of withdrawal or denial .	
15.05	DECLARATIONS AND BY-LAWS FROM TOWNHOUSES, CONDOMINIUMS, PLANNED RESIDENTIAL DEVELOPMENTS, COMMON AREAS, ETC.	a) If not filed in Register of Deeds or similar agency, retain in office permanently. b) If filed in Register of Deeds or similar agency, destroy in office when reference value ends. ± Agency Policy: Destroy in office after 1 year from date of recordation in Randolph County Registry . Retain in office permanently.	Authority: G.S. 47C-2-103
15.06	ENVIRONMENTAL IMPACT STUDIES Records and reports concerning the environmental impact of major projects proposed by localities and reviewed by local officials.	Retain in office permanently.	
15.07	OPEN SPACE CLASSIFICATION CASE FILE	Retain in office permanently.	

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15: Planning and Regulation of Development

STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.08	PERMITS: TEMPORARY MANUFACTURED HOME Records created to temporarily authorize the location of a manufactured home on the same lot as a single family residence.	Destroy in office 6 years after permit expires.	Retention: G.S. 1-50(5)
15.09	PERMITS: ZONING COMPLIANCE For residential uses, non-residential uses, and accessory structures.	a) Retain in office permits concerning subdivision, historical structure, major commercial or industrial development, or capital construction, where county or municipality is lead agency, permanently. b) Destroy in office permits concerning subdivision, historic structures, major commercial or industrial development, or capital construction, where county or municipality is not lead agency, 6 years after last entry. c) Destroy in office any other permits and related records 6 years after last entry.	Retention: G.S. 1-50(5)
15.10	PETITION & REGULATION RECORDS	Destroy in office after 5 years.*	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

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15: Planning and Regulation of Development

STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.11	PLANNING REVIEW CASE FILE For required review of site plan, zoning variance, special permit, change of zoning, subdivision creation or enlargement, municipal or county planning action, or other required review; including, but not limited to, maps, plans, sketches, photographs, engineering reports, environmental impact statement and studies, copies of zoning records, project narrative, correspondence (including e-mail), and record of final determination.	a) Retain plan reviews and related records containing subdivision, historical structure, major commercial or industrial development, or capital construction, where county or municipality is lead agency, permanently. b) Destroy in office plan reviews and related records containing subdivision, historic structures, major commercial or industrial development, or capital construction, where county or municipality is not lead agency, 6 years after last entry. c) Destroy in office any other mandatory reviews and related records 6 years after last entry.	Retention: G.S. 1-50(c)
15.12	REZONING RECORDS AND INDEXES Records concerning applications to rezone property within the county or municipality. Includes original applications, review forms, maps of areas involved, copies of investigative reports, copies of relevant planning board minutes, notices of hearings, and development agreements.	Retain in office permanently.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

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15: Planning and Regulation of Development

STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.13	SUBDIVISION RECORDS Includes maps, plats, topographical data, names of streets, records of public utilities, action by council, etc. Also includes preliminary subdivision and group development site plans. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Maps: Plats (STANDARD 3: GEOGRAPHIC INFORMATION SYSTEMS RECORDS).	a) If not filed in Register of Deeds or similar agency, retain in office permanently. b) If filed in Register of Deeds or similar agency, destroy in office when reference value ends. ± Agency Policy: Destroy in office after <u>1 year from date of recordation in Randolph County Registry</u> .	
15.14	VARIANCES Includes zoning variances, watershed variances, and subdivision variances.	Retain official copies permanently in the minutes of the Board of Adjustment or other governing body.	
15.15	VIOLATIONS: ZONING Records concerning notices of zoning violations.	Destroy in office after 6 years.*	Retention: G.S. 1-50(5)

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16: Public Housing

STANDARD 16: PROGRAM OPERATIONAL RECORDS – PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS

Official records and materials created and received by public housing authorities, redevelopment commissions, and entitlement communities operated by local government agencies. Where there is a local funding match required to qualify for grant programs, all records should be retained according to the grant requirements listed below.

NOTES: Some records, such as those for Section 8 assistance, are covered by the Local Government Agencies General Records Retention and Disposition Schedule and, therefore, are not listed separately here. See Bond Closing Records (Budget, Fiscal, and Payroll Records), Grants (Administration and Management Records), and Grants: Financial (Budget, Fiscal, and Payroll Records). 24 CFR Parts 50-58 lay out the environmental review responsibilities of entities but do not establish specific retention requirements, so these records should be handled in accordance with the requirements of the funding source.

ITEM #	STANDARD 16: PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.01	APPRAISAL PROJECT FILE Evaluations of properties and structures within proposed projects. File includes financial assessments of the worth of real estate and building within proposed project areas. File may also include assessments of architectural and historical significance and condition of the involved structures and real estate.	a) Retain records with historical value permanently. b) Destroy in office remaining records 5 years after completion of abandonment of project.*	

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16: Public Housing

STANDARD 16: PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.02	COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) RECORDS Records concerning the administration of projects funded under the Community Development Block Grant (CDBG) program, including both direct grants and regrants. Includes applications, reports, audits, certificates, maps, and other related records.	a) Retain records with historical value permanently. b) Destroy in office rejected applications after 1 year. c) Destroy in office remaining records 4 years after execution of the closeout agreement for the grant.	Retention: 24 CFR 570
16.03	COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) RECORDS: OUTSTANDING LOAN BALANCES Records concerning individual activities under the Community Development Block Grant (CDBG) program for which there are outstanding loan balances, other receivables, or contingent liabilities. Includes reports, audits, and other related records.	a) For recipients, destroy in office 3 years after the receivables or liabilities have been satisfied. b) For subrecipients, destroy in office after such receivables or liabilities have been satisfied.	Retention: 24 CFR 570.502(a)(7)(i)(B)
16.04	COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) RECORDS: SUBJECT TO REVERSION OF ASSETS PROVISIONS OR CHANGE OF USE OF REAL PROPERTY Records concerning real property which was acquired or improved in whole or in part using Community Development Block Grant (CDBG) funds. Includes reports, audits, and other related records.	a) For recipients, destroy in office 3 years after these provisions no longer apply to the activity. b) For subrecipients, destroy in office when these provisions no longer apply to the activity.	Authority: 24 CFR 570.503(b)(7) 24 CFR 570.505 Retention: 24 CFR 570.502(a)(7)(i)(B)

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16: Public Housing

STANDARD 16: PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.05	CONTINUUM OF CARE RECORDS Records documenting the participation of the agency in funding by the Department of Housing and Urban Development. Includes required Federal compliance records, program records, financial records, and other related records.	a) Destroy in office records documenting the acquisition, new construction, or rehabilitation of a project site 15 years after the date site is first occupied/used. b) Destroy in office program participant records 5 years after the expenditure of all funds from the grant under which the program participant was served. c) Destroy in office all remaining records after 5 years.	Retention: 24 CFR 578.103(c)
16.06 	CRIMINAL RECORDS CHECKS Records received by the local agency to screen applicants for admission to covered housing programs and for lease enforcement or eviction.	Destroy in office once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation.	Confidentiality/ Retention: 24 CFR 5.903(g) 24 CFR 5.905(c)

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

16: Public Housing

STANDARD 16: PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.07	EMERGENCY SOLUTIONS GRANTS (ESG) RECORDS Records documenting the participation of the agency in funding by the Department of Housing and Urban Development. Includes case management records for program participants, required federal compliance records, program records, financial records, and other related records.	a) Destroy records supporting the expenditure of federal funds passed through NC Department of Health and Human Services (DHHS) on a fiscal year basis when the DHHS Office of the Controller provides written guidance that records are released from all audits and other official actions. b) Destroy in office records documenting renovation of an emergency shelter 10 years after the date that ESG funds are first obligated for the renovation. c) Destroy in office participant records 5 years after the expenditure of all funds from the grant under which the program participant was served. d) Destroy in office all remaining records after 5 years.	Confidentiality: 24 CFR 576.500(x) Retention: 24 CFR 576.500(y)
16.08	FAÇADE PROJECT FILES Records documenting the re-granting of funds received by the agency to restore exteriors of architecturally important structures in project areas. Includes contracts, photographs, and correspondence.	Retain in office permanently.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



16: Public Housing

STANDARD 16: PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.09	HOME INVESTMENT PARTNERSHIPS PROGRAM RECORDS Records documenting the participation of the agency in funding by the Department of Housing and Urban Development. Includes records concerning designation as a participating jurisdiction, program records, project records, Community Housing Development Organizations records, financial records, program administration records, records concerning other federal requirements, and other related records.	a) Destroy in office rental assistance records 5 years after termination of assistance.* b) Destroy in office written agreements 5 years after termination.* c) Destroy in office 5 years after the affordability period terminates records of individual tenant income verifications, projects rents and inspections, and documents imposing recapture/resale restrictions. d) Destroy in office records covering displacements and acquisition 5 years after final payment.* e) Destroy in office remaining records after 5 years.*	Authority/Retention: 24 CFR 92.508
16.10	HOUSING ASSISTANCE FOR PERSONS WITH DISABILITIES Records documenting the participation of the agency in funding by the Department of Housing and Urban Development. Includes verifications of disability, grant agreements, performance reports, and other related records.	Destroy in office 5 years after the end of the grant term.	Retention: 24 CFR 582.301(c) 24 CFR 583.305(c)

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16: Public Housing

STANDARD 16: PUBLIC HOUSING AUTHORITIES, REDEVELOPMENT COMMISSIONS, AND ENTITLEMENT COMMUNITIES RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.11	HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) RECORDS Records documenting the participation of the agency in funding by the Department of Housing and Urban Development. Includes grant agreements, performance reports, and other related records.	Destroy in office after 5 years.	Authority/Retention: 24 CFR 574 24 CFR 5.106(d)
16.12	LANDLORD MONITORING RECORDS Records documenting monitoring of landlords of properties used in affordable or subsidized housing programs. Includes certifications and forms and other compliance-related records.	Destroy in office after 5 years.	
16.13	REDEVELOPMENT PLANS Records concerning redevelopment projects. Includes documentation of the review and certification process.	a) Retain in office permanently records concerning approved redevelopment projects. b) Destroy in office remaining records 2 years after rejection.	

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STANDARD 17: PROGRAM OPERATIONAL RECORDS – PUBLIC TRANSPORTATION SYSTEMS RECORDS

Records received and created by area transit systems and authorities necessary to meet all statutory requirements.

NOTE: Some records are covered by the Local Government Agencies General Records Retention and Disposition Schedule and, therefore, are not listed separately here.

Comply with requirements of the Federal Transit Administration's **Best Practice Procurement Manual**, Master Agreement MA(11) Section 8 manual.

17: Public Transportation

STANDARD 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
17.01	AMERICANS WITH DISABILITIES ACT (ADA) PARATRANSIT RECORDS Includes driver's daily assignments, dispatch records, logs of passenger pick-ups and drop-offs, manifests, trip requests, and appeal forms.	Destroy in office after 5 years.*	Authority: 2 CFR 200.333
17.02	AMERICANS WITH DISABILITIES ACT (ADA) PARATRANSIT VOUCHERS Vouchers submitted by private transportation companies for reimbursement for alternative transportation of public transit clients.	Destroy in office after 5 years.*	Authority: 2 CFR 200.333
17.03	AMERICANS WITH DISABILITIES ACT (ADA) PRE-TRIP INSPECTION FORMS	Destroy in office after 1 year.	Authority: 2 CFR 200.333

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



17: Public Transportation

STANDARD 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
17.04	APPLICATIONS FOR ART-IN-TRANSIT Applications and supporting documentation submitted by regional and national artists for exhibit on agency property.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after <u>3 years.</u>	
17.05	APPLICATIONS FOR DISCOUNT PASSES Applications, certificates of disability, and supporting documentation used to apply for discount passes.	Destroy in office 3 years after service is terminated or denied.	
17.06	APPLICATIONS FOR TRANSIT SERVICE Includes customer applications, eligibility assessment records, correspondence (including e-mail), health information, riders' guides, and related records.	Destroy in office 3 years after service is terminated or denied.	
17.07	CUSTOMER (RIDER) IDENTIFICATION RECORDS Records concerning customer identification, approvals, denials, and related information.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after <u>3 years.</u>	
17.08	DISADVANTAGED BUSINESS ENTERPRISE (DBE) RECORDS Includes company's articles of incorporation, financial statements, signed affidavits, letters of reference, declarations, Federal Schedule A or B, and related correspondence (including e-mail).	a) Destroy in office company-specific records 5 years after company is removed from certified list. b) Destroy in office related DBE program records, including Federal Transit Administration reports, 5 years from date record was created.	Authority: 2 CFR 200.333
17.09	OPERATOR SHIFT INSPECTION RECORDS Reports and similar records of operator's inspections of vehicle at the beginning and end of shift.	Destroy in office after 5 years.	Authority: 2 CFR 200.333

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17: Public Transportation

STANDARD 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
17.10	ROUTE HISTORY RECORDS Includes descriptions of routes, bus stops, passenger lists, and other related records.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after <u>3 years.</u>	
17.11	SEAT BELT AND RESTRAINT SYSTEM RECORDS Records concerning the use and installation of seat belts and other restraint systems in vehicles.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after <u>3 years.</u>	
17.12	TRANSIT SCHEDULES Printed route schedules and related information used to generate schedules.	Destroy in office when reference value ends.± Agency Policy: Destroy in office after <u>3 years.</u>	
17.13	VANPOOL DRIVER APPLICATIONS Applications and supporting records submitted by persons operating vanpool vehicles.	a) Destroy in office accepted applications 3 years after person leaves program. b) Destroy in office applications for persons not accepted for program after 1 year.	

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STANDARD 18: PROGRAM OPERATIONAL RECORDS – PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS

Official records and materials created and accumulated for use by municipal and county sanitation, water, sewage, electrical, and gas operations. Also contains environmental management records accumulated for use by erosion and sediment control, flood control, and monitoring of pollution. Comply with applicable provisions of G.S. §132-1.7 regarding confidentiality of public infrastructure detailed plans and drawings.

18: Public Utilities and Environmental/Waste

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.01	ENVIRONMENTAL: COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN AND AMENDMENTS SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Strategic Plan (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) If an element of the Strategic Plan, destroy in office when reference value ends. ± Agency Policy: Destroy in office after <u>3 years from date element is superseded or becomes obsolete.</u> b) If not an element of the Strategic Plan, destroy in office when superseded or obsolete.	Authority: G.S. 130A-309.09A
18.02	ENVIRONMENTAL: CUSTOMER USAGE RECORDS Includes reports, plans or similar records submitted by industrial users or publicly-owned treatment works concerning intended or actual use of the wastewater treatment system.	Destroy in office after 3 years.* Destroy in office after 3 years.*	Retention: 40 CFR 403.12(o)(3)
18.03	ENVIRONMENTAL: DAILY DISPOSAL TICKETS Record and/or receipts concerning the disposal of materials at the landfill.	Destroy in office after 3 years.*	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

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18: Public Utilities and Environmental/Waste

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.04	ENVIRONMENTAL: DISCHARGE MONITORING REPORTS Includes discharge and non-discharge monitoring reports submitted to state and/or federal regulatory agencies. Also includes copies of monthly reports required by National Pollution Discharge Elimination System (NPDES) permits.	a) Destroy in office NPDES reports 5 years from date of submission.* b) Destroy in office annual reports 5 years from date of submission.* c) Destroy in office daily reports after 3 years.	Retention: 40 CFR 122.41(3)(j)(2) 15A NCAC 2B .0506
18.05	ENVIRONMENTAL: LANDFILL MONITORING REPORTS Gas and groundwater monitoring records and reports. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Audits: Performance (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Retain official reports permanently. b) Destroy in office remaining records after 3 years.	Retention: 15A NCAC 13B .1626(10)
18.06	ENVIRONMENTAL: LANDFILL OPERATIONAL PLAN Describes the intended schedule of construction, description of on-site waste handling procedures during active life of the facility, contingency plans, description of maintenance of installed equipment, and any other information pertaining to the operation, maintenance, monitoring, or inspections as may be required by federal and state law.	Destroy when superseded or obsolete.*	Authority: G.S. 130A-309.09D

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18: Public Utilities and Environmental/Waste

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.07	ENVIRONMENTAL: LANDFILL PERMITS Permits and related records of landfills owned or operated by agency. Includes amendments and hazardous waste management permits.	a) Retain construction and operation permit for life of system and then destroy. b) Destroy in office all other permits and related records after the 5-year reporting period is complete.	Retention: G.S. 130A-294 (b1) (4)
18.08	ENVIRONMENTAL: NOTICE OF VIOLATIONS FOR IMPROPER DISCHARGE OR DISPOSAL FILE Notices issued by agency concerning improper non-stormwater discharge or disposal. Includes improper disposal of waste or products, chlorinated pool discharge, vehicle maintenance facility runoff, food service waste, and other unregulated commercial and industrial discharges.	Destroy in office one year after resolution.	
18.09	ENVIRONMENTAL: OUTSIDE WASTE CLEARANCE RECORDS Records allowing parties outside the operator's jurisdiction to dispose of waste at landfill.	Destroy in office 3 years after expiration of agreement.	
18.10	ENVIRONMENTAL: REPORTS SUBMITTED TO U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)	Destroy in office after 2 years. *	
18.11	EROSION CONTROL: EROSION AND SEDIMENT AFFIDAVITS Forestry and agricultural affidavits clarifying land use exempt from land-disturbing activity standards.	Destroy in office after 6 years.	

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18: Public Utilities and Environmental/Waste

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.12	EROSION CONTROL: EROSION AND SEDIMENT CONTROL EXHIBIT RECORDS	Destroy in office when reference value ends. ±	
18.13	EROSION CONTROL: EROSION AND SEDIMENT CONTROL INSPECTIONS Inspections conducted by agency. Includes inspection requests, notices of violations, denial reports, sketches, plans, correspondence (including e-mail), and similar records concerning the construction, modification or demolition of existing and new roads and construction sites.	Agency Policy: Destroy in office after 3 years from date of a land disturbing activity are completed. Destroy in office 6 years after final site inspection.*	inspections
18.14	EROSION CONTROL: EROSION AND SEDIMENT CONTROL PERMITS Records concerning permits, including permit logs, issued for site construction.	a) Destroy in office records concerning approved permits 3 years after expiration of permit. b) Destroy in office non-approved permits after 3 years.	
18.15	EROSION CONTROL: EROSION AND SEDIMENT CONTROL PLANS Includes approved and disapproved plans submitted to agency. Includes revisions, addendums, and records delineating who is financially responsible for the project.	a) Destroy approved plans in office 3 years after expiration. b) Destroy non-approved plans after 3 years.	Authority: 15A NCAC 04B .0118

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18: Public Utilities and Environmental/Waste

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.16	EROSION CONTROL: TROUT BUFFER VARIANCES Includes denials and waivers. SEE ALSO: PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Variances (STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS).	a) Destroy in office 6 years after approval of permit. b) Destroy in office after 3 years plans for which a permit was not issued.	Authority: 15A NCAC 04B .0125
18.17	FLOOD CONTROL: FLOOD CERTIFICATIONS Records concerning lot reviews for construction projects submitted to agency. SEE ALSO: PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Permits: Zoning Compliance (STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS).	Destroy in office when superseded or obsolete.	
18.18	FLOOD CONTROL: FLOOD STUDIES Reviews of stream crossings for construction projects submitted to agency.	Retain in office for life of structure and then destroy.*	
18.19	UTILITIES: DAILY WATER AND WASTEWATER FACILITY OPERATORS LOGS Records concerning water distribution and treatment.	a) Destroy in office records concerning the operation of wastewater treatment facilities after 5 years.* b) Destroy in office records concerning the operation of water treatment facilities after 3 years.*	Authority: 15A NCAC 18C .1301

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18: Public Utilities and Environmental/Waste

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.20 	UTILITIES: ELECTRIC POWER AND NATURAL GAS FACILITY ENGINEERING AND SYSTEM PLANS Includes authorizations to construct, building plans, and specifications of privately owned utilities. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Strategic Plan (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) If an element of the Strategic Plan, destroy in office when reference value ends. ± Agency Policy: Destroy in office after <u>3 years from date when element is superseded or becomes obsolete.</u> b) If not an element of the Strategic Plan, destroy in office when superseded or obsolete.	Confidentiality: G.S. 132-1.7
18.21	UTILITIES: ELECTRIC POWER AND NATURAL GAS PERMITS AND APPROVAL RECORDS Permits, approval letters, and other related documentation required by local, state, or federal ordinance, regulation, or statute and issued by agency.	a) Destroy in office permits 5 years after expiration, cancellation, revocation or denial.* b) Retain approval letters and supporting documentation permanently.	
18.22	UTILITIES: ELECTRIC POWER AND NATURAL GAS SYSTEM MAINTENANCE AND REPAIR RECORDS Records documenting installation, location, specifications, and maintenance history of meters, lines, pipes, pumps, and similar system equipment.	Destroy in office 3 years after equipment is no longer owned and/or operational.	
18.23 	UTILITIES: ELECTRIC POWER AND NATURAL GAS SYSTEM MANAGEMENT PLANS SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Strategic Plan (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Retain in office for life of system and then destroy.	Confidentiality: G.S. 132-1.7

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18: Public Utilities and Environmental/Waste

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.24	UTILITIES: ELECTRIC POWER AND NATURAL GAS SYSTEM PROJECT RECORDS	a) Retain project pre-approval and final approval letters for life of system and then destroy. b) Destroy in office remaining records 5 years after project is completed.	
18.25	UTILITIES: LANDLORD AGREEMENTS Agreements to automatically transfer utility accounts to landlords when their tenant vacates a property.	Destroy in office 3 years after expiration of agreement.	
18.26	UTILITIES: MAPS (UTILITY INSTALLATIONS & DISTRIBUTIONS) Includes maps, plats, charts, and similar records showing the location of water mains, valves, hydrants, meters, etc., throughout the system. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Maps, All Other (STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS).	Retain for life of system and then destroy.	Authority: 15A NCAC 18C .0300 Confidentiality: G.S. 132-1.7

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18: Public Utilities and Environmental/Waste

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.27	UTILITIES: METER INSTALLATION, TESTING AND CALIBRATION RECORDS (ELECTRIC, WATER, GAS) Includes records concerning the installation or planned installation of meters and connecting any facility to utility system owned or operated by the agency.	a) Destroy in office records verifying installation of meter 3 years after equipment is no longer owned and/or operational. b) Destroy in office notice to property owners of approval of utility installation after 2 years. c) Destroy in office remaining records after reference value ends. [±] Agency Policy: Destroy in office after 3 years from date when equipment is no longer owned and/or operational. Destroy in office when superseded or obsolete.	
18.28	UTILITIES: PUBLIC UTILITIES INSPECTION FORMS Records relating to the inspection of sanitation, electric, water, gas and sewer utilities submitted to or conducted by agency.		

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18: Public Utilities and Environmental/Waste

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.29 	UTILITIES: PUBLIC UTILITIES SYSTEM ENGINEERING, MAINTENANCE, AND REPAIR RECORDS Includes records documenting installation, authorizations to construct, building plans, location, specifications, and maintenance history, for hydrants, pipes, pumps, valves, and similar system equipment. Includes drainage system maintenance and repair records.	a) Retain in office as built plans and specifications for life of system and then destroy. b) Destroy in office 5 years after equipment is no longer owned and/or operational if unlike replacement occurred. c) Destroy in office 3 years after equipment is no longer owned and/or operational if like replacement occurred. d) Destroy in office background surveys, studies, reports, drafts, and other records when superseded or obsolete.	Authority: 15A NCAC 18C .0300 15A NCAC 2H .0115 Confidentiality: G.S. 132-1.7
18.30	UTILITIES: RECYCLING WATER RECORDS Backwash recycling groundwater records.	Destroy in office when superseded or obsolete.	Authority: 40 CFR 141.76(d)
18.31	UTILITIES: SERVICE INTERRUPTION RECORDS Includes reports, logs, or similar records documenting service interruptions.	Destroy in office after 3 years.*	

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18: Public Utilities and Environmental/Waste

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.32	UTILITIES: TAP AND HOOK UP RECORDS Applications, permits, contracts, logs, or similar records documenting location and installation of water and wastewater hookup and taps.	a) Destroy in office permits and contracts 3 years after termination or cancellation.* b) Destroy in office denied applications and remaining records when reference value ends. ±	Confidentiality: G.S. 132-1.1(c)
18.33	UTILITIES: WATER AND WASTEWATER PERMITS AND APPROVAL RECORDS Permits, approval letters, and other related documentation required by local, state, or federal ordinance, regulation, or statute for systems owned or operated by agency. Includes records regarding National Pollutant Discharge Elimination System (NPDES) permits.	Agency Policy: Destroy in office after <u>3 years from date of denial of application or the termination/cancellation</u> a) Retain approval letters and supporting documentation permanently. b) Destroy in office permits and other records 5 years after expiration, cancellation, revocation or denial.*	date of denial Retention: 15A NCAC 18C .0300 15A NCAC 2H .0115 40 CFR 122.28
18.34	UTILITIES: WASTEWATER MAINTENANCE OPERATION REPORTS	Destroy in office after 3 years.	

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18: Public Utilities and Environmental/Waste

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.35	WATER QUALITY: LABORATORY OPERATIONS RECORDS Includes documentation of all analytical quality control practices, reporting units, forms, test methods, and related procedures pertaining to certification obtained by agency. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Audits: Performance (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Destroy in office samples, raw data, analysis reports and related documentation after 5 years. * b) Destroy in office records concerning certification 2 years after expiration, cancellation, revocation, or denial. *	Authority: 15A NCAC 02H .0805(7)(G) 15A NCAC 02H .1100
18.36	WATER QUALITY: PRETREATMENT PROGRAM RECORDS Includes annual pretreatment reports, records of monitoring activities and results, water quality records and other related documentation.	a) Destroy in office permits and supporting documentation 5 years after expiration, cancellation, revocation, or denial. * b) Destroy in office remaining records after 3 years. *	Retention: 15A NCAC 02H .0908(f)(1) 40 CFR 503.17
18.37	WATER QUALITY: PUBLIC WATER SANITARY SURVEY RECORDS Includes reports, summaries, studies, correspondence (including e-mail), and other related records documenting the sanitary condition of system. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Audits: Performance (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	a) Destroy in office 10 years after completion of survey. * b) Destroy in office documentation of corrective measures 2 years after their implementation.	Retention: 40 CFR 141.33 15A NCAC 18C .1526

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18: Public Utilities and Environmental/Waste

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.38	WATER QUALITY: SEWER JETTING AND VECTORING RECORDS Records documenting the routine cleaning of wastewater lines.	Destroy in office after 3 years.	
18.39	WATER QUALITY: SLUDGE TREATMENT RECORDS Includes analyses, certification statements, site restrictions, monitoring records, vector attraction reduction requirements, trip tickets, residual records, control plans and other related documentation conducted by or for agency.	Destroy in office after 5 years. *	Retention: 40 CFR 503.17
18.40	WATER QUALITY: STORMWATER DEVIATION PERMITS Permits issued to single lots. Includes applications, certifications of installations, and related records.	a) Destroy in office permits and contracts 3 years after termination or cancellation. * b) Destroy in office inspections submitted by owner when superseded or obsolete.	
18.41	WATER QUALITY: VIOLATION RECORDS Includes all documentation of actions taken to correct federal, state or local violations of water and wastewater management standards by agency.	Destroy in office after 5 years. *	Retention: 40 CFR 141.33 15A NCAC 18C .1526
18.42	WATER QUALITY: WATER AND WASTEWATER SYSTEM INSPECTIONS AND TESTS Includes non-compliance inspections and test records conducted by a facility.	Destroy in office after 5 years.	

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± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

STANDARD 19: PROGRAM OPERATIONAL RECORDS – STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS

Official records and materials created and accumulated for constructing and maintaining municipal and county-maintained streets and other public works projects, and engineering records.

STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.01	APPRAISAL REPORTS Records appraising privately owned land for compensation in eminent domain projects. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Easements and Right-of-Way Agreements (STANDARD 6: LEGAL RECORDS).	Destroy in office after 10 years.	
19.02	CEMETERY DEEDS Copies of deeds for the purchase of agency-owned cemetery plots. Includes applications or deed slips.	a) Retain 1 copy of deed in office permanently. b) Destroy in office remaining records when reference value ends. [±] Agency Policy: Destroy in office after 3 years date of the last burial space described in the deed.	
19.03	CEMETERY INTERMENT RECORDS Includes name of deceased, date of interment, and location of plot.	Retain in office permanently. Retention Note: If these records are maintained as an electronic database, a copy should be maintained on paper or microfilm and updated regularly.	

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19: Streets, Public Works, and Engineering

STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.04	EXCAVATION PERMITS Applications, permits, and billing information for individuals and contractors requesting to work in the county or municipal right-of-way for demolitions or excavations.	a) Destroy in office billing records after 3 years.* b) Destroy in office applications and permits 1 year after expiration. c) Destroy in office applications for which a permit was never issued when reference value ends.± Agency Policy: Destroy in office after <u>3 years.</u>	
19.05	GRAVE OPENING ORDERS Authorizations to dig graves in agency-owned cemeteries.	Destroy in office after 1 year.	
19.06	INFRASTRUCTURE MAINTENANCE RECORDS Records documenting the general maintenance and upkeep of infrastructure, including roads, traffic lights, and other public works.	Destroy in office after 3 years.	
19.07	PLANNING FILE Includes long-range and immediate plans for paving streets and other projects.	Destroy in office 5 years after superseded or obsolete.	
19.08	 PROJECT RECORDS - CANCELLED Background information for public works and engineering projects explored but not undertaken. Records are used as a reference file and include maps, project information, and the reason that the project failed.	a) Retain records with historical value permanently. b) Destroy in office remaining records when reference value ends.± 3 years from date of decision not to undertake a project. Agency Policy: Destroy in office after _____	Confidentiality: G.S. 132-1.7

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19: Streets, Public Works, and Engineering

STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.09 	PROJECT RECORDS – CORE Records used to document the design and construction of public works and engineering projects. Includes final as-built plans and specifications; certificate of completion/closure; policy correspondence (including e-mail), covenants; final estimates and budgetary summaries; geo-technical reports; environmental mitigation agreements; permits for right-of-way use, photographs documenting key aspects of construction as-built; final specifications; and as-built structural calculations.	Destroy originals after life of structure ends.	Confidentiality: G.S. 132-1.7

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19: Streets, Public Works, and Engineering

STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.10 	PROJECT RECORDS – ENGINEERING & COMPLIANCE Records used to document the engineering and technical areas of a public works and engineering project, as well as compliance with regulatory requirements. Includes superseded plans and specifications, agreements for construction and finance, billing information, change orders, force orders, work orders, construction claims, contract documentation, contracts, reports, diaries and narratives, EEO information, material certifications, material testing reports, notice to proceed, permit of entry, postings, pre-construction conference records, final progress payments, punch lists, regulations, shop drawings, and subcontractor information. File also includes environmental review records and proof of compliance with any mitigation measures required as a condition of project authorization. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Grants (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS); GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Grants: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS); GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Payroll and Earnings Records (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS.)	Destroy in office 6 years after completion or termination of project.*	Confidentiality: G.S. 132-1.7

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19: Streets, Public Works, and Engineering

STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.11	PROJECT SHEETS FILE Local forms listing property owners, lot or tract size, right-of-way data, tax value, and compensation.	Destroy in office after 5 years.	
19.12	RIGHT-OF-WAY ACQUISITION WORKING RECORDS Includes records of negotiations on acquisition of rights-of-way related to public works and engineering projects, such as 10-day letter of notification, notification of intent to acquire, notice of condemnation action, and other correspondence (including e-mail) relating to right-of-way acquisitions. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Easements and Right-of-Way Agreements (STANDARD 6: LEGAL RECORDS).	Destroy in office after 3 years.*	
19.13	STREET NAME AND HOUSE NUMBER FILES Records relating to the assignment of street names and house numbers. May also include records documenting street name changes, and non-temporary street openings and closings.	Retain in office permanently.	

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19: Streets, Public Works, and Engineering

STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.14 	STRUCTURAL MAINTENANCE AND ANALYSIS RECORDS Records used for maintenance, review, and analysis of permanent and temporary structures owned by third parties that extend, cross or abut the public right-of-way. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Blueprints and Specifications (STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS).	Destroy records pertaining to structure 3 years after the end of life of the structure.	Confidentiality: G.S. 132-1.7
19.15	SURVEY FIELD RECORDS Records used to document and establish easements and rights-of-way, and to locate reference points used during street and utility projects. Records include traverse information, tie sheets, sketches, field notes, plats, interpretation of field notes, alignments, profiles of projects, plans, grade sheets, estimates, databank ties, and other miscellaneous documents used to establish grades, rights-of-way and easements. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Easements and Right-of-Way Agreements (STANDARD 6: LEGAL RECORDS).	a) Retain records with historical value permanently. b) Destroy in office remaining records when superseded or obsolete.	
19.16	TRAFFIC ANALYSIS Analysis of vehicle traffic within agency jurisdiction.	Destroy in office after 5 years.	

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19: Streets, Public Works, and Engineering

STANDARD 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
19.17	TRAFFIC VIDEO RECORDINGS AND DATA Recordings and other data used to monitor traffic levels.	Destroy in office after 30 days.*	

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

STANDARD 20: PROGRAM OPERATIONAL RECORDS - LAW ENFORCEMENT RECORDS (EXCLUDING SHERIFF'S OFFICES)

Records received and created by any local government law enforcement agency (excluding sheriff's offices) necessary to meet all statutory requirements. Comply with applicable provisions of G.S. §132-1.4 regarding confidentiality of law enforcement records and G.S. §153A-98 and G.S. §160A-168 regarding confidentiality of personal information of law enforcement officers.

Please note: Records created by county sheriff's offices fall under the purview of the Records Retention Schedule of County Sheriff's Offices.

20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS		
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS
20.01	ALARM CALL REPORTS Reports completed by officers responding to alarm calls. Includes listings of alarm type, time received, time arrived, reason for activation, and other related information. Includes forms completed by businesses and residences naming emergency contacts, location of safe, or other related information.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office after 30 days if not made part of a case file.
20.02	ALTERNATIVE SENTENCING PROGRAMS Records documenting alternative sentencing programs. Includes work release and weekend service.	Destroy in office 3 years after individual leaves program.
20.03	 ARREST PROCESSING RECORDS Records used to track a defendant's time and activities while in arrest processing. Includes time of arrival and time to and from each workstation.	Destroy in office 1 year after date of arrest.* Confidentiality: G.S. 132-1.4

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20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.04 	ARREST REPORTS Reports concerning arrests made by officers.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office 5 years from date of arrest if report is not made part of a case file.	Confidentiality: G.S. 132-1.4
20.05	AUCTION RECORDS Records concerning abandoned and unclaimed articles or found property in possession of law enforcement sold at public auction. May include auction receipts of monies received for items sold.	Destroy in office after 3 years.*	
20.06 	CASE FILE: FELONIES Includes investigative reports, complaint reports, fingerprint cards, original arrest reports, copies of warrants, special expenditure report, statements of seized and returned property, interview sheets; case status reports, photographs, court orders, correspondence; officer's notes, court dispositions, audio or video recordings, and other related records. SEE ALSO: Electronic Recordings of Interrogations, below.	a) Destroy in office records concerning solved cases 20 years after disposition of case and exhaustion of any appeals.* b) Retain in office records concerning unsolved cases until solved, and then follow disposition instructions in part (a).	Confidentiality: G.S. 132-1.4

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.07 	CASE FILE: MISDEMEANORS Includes investigative reports, complaint reports, fingerprint cards, original arrest reports, copies of warrants, special expenditure reports, statements of seized and returned property, interview sheets, case status reports, photographs, court orders, correspondence, officer's notes, court dispositions, audio or video recordings, and other related records.	a) Destroy in office records concerning solved malicious misdemeanor cases 3 years after disposition of case and exhaustion of any appeals.* b) Retain in office records concerning unsolved malicious misdemeanor cases until solved, and then follow disposition instructions in part (a). c) Destroy in office records concerning all misdemeanor cases not covered in (a) or (b) after 3 years.*	Confidentiality: G.S. 132-1.4
20.08 	COMMUNICATION RECORDS Recordings, printouts, and logs of telephone, radio, dispatch, 911 emergency calls or texts, and computer aided dispatch (CAD) systems incoming and/or outgoing communications. Includes time and date of call, contents of call, location of call, name of unit sent to scene, and other related information. SEE ALSO: PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, 911 Communication Records and Recordings AND Dispatch Records and Recordings.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office after 30 days if not made part of a case file.	Confidentiality: G.S. 132-1.4

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.09 	COMPLAINTS Records concerning complaints to which a unit responded. Includes logs listing name and address of victim, time, date, nature of complaint, responding officer's name, action taken, and other related information.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office 3 years after resolution if not made part of a case file.	Confidentiality: G.S. 132-1.1(a)
20.10	COMPOSITE INTERVIEWS Summaries of interviews used to determine the physical description of suspects.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office when reference value ends if not made part of case file.± Agency Policy: Destroy in office after <u>3 years</u>.	
20.11 	CRIME ANALYSIS RECORDS Records used to anticipate, prevent, or monitor possible criminal activity. Includes crime reports, photographs, complaints, copies of citations, criminal profile information, and interoffice memoranda generated or accumulated in connection with investigations or directed patrols.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office when reference value ends if not made part of case file.± Agency Policy: Destroy in office after <u>3 years</u>.	Confidentiality: G.S. 132-1.4 G.S. 132-1.7(a2) Authority/ Confidentiality/ Retention 28 CFR 23.20

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.12 	DETENTION FACILITY INCIDENT REPORTS Detention facility incident reports. Include narratives of incidents, lists of those involved, statements and interview reports, inmates' refusal of medical treatment, inmates' refusal to press charges, and other related records. SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Litigation Case Records (STANDARD 6: LEGAL RECORDS).	c) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors d) Destroy in office after 3 years if not made part of a case file.*	Confidentiality: G.S. 132-1.1(a)
20.13	DETENTION FACILITY OPERATIONAL RECORDS Records concerning all activities occurring during shifts at detention facilities. Includes end of duty (shift change reports, key and radio control lists, equipment and inmate/non-inmate housing check lists, cell inspection reports, laundry exchange and controlled property lists, tour reports, etc.) and inmate accountability (rosters, commitment and release reports, cell locations, etc.) records.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office when reference value ends if not made part of case file.± Agency Policy: Destroy in office after <u>3 years</u>.	
20.14	DETENTION FACILITY PHYSICAL FORCE RECORDS Reports made by any officer or employee of a detention facility who applies physical force to an inmate or arrestee.	Destroy in office after 3 years.*	

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20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.15	DIVISION OF CRIMINAL INFORMATION AND NATIONAL CRIME INFORMATION CENTER (DCI-NCIC) ENTRIES Records and logs listing entries and inquiries made against DCI-NCIC networks and concerning missing persons, wanted persons, stolen vehicles or other property, and other related topics.	Destroy in office 1 year after period covered by audit.*	Authority: 28 USC 534
20.16	DIVISION OF CRIMINAL INFORMATION AND NATIONAL CRIME INFORMATION CENTER (DCI-NCIC) VALIDATION RECORDS Requests and proofs of verification for DCI-NCIC or other law enforcement information networks.	Destroy in office after 1 year.*	Authority: 28 USC 534
20.17	DNA SAMPLING RECORDS Records documenting the collection of DNA samples from persons for qualifying offenses. Includes copies of judgments. Original samples are forwarded to the State Crime Lab.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office 1 year from date sample was obtained if not made part of a case file.	Authority: G.S. 15A-266.8

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.18 	DOMESTIC VIOLENCE RECORDS Restraining orders and related records.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office after expiration of restraining order if not made part of a case file.	Confidentiality: G.S. 132-1.4
20.19	DRUG AND ALCOHOL TESTING RECORDS Records and reports generated when individuals suspected of being under the influence of or impaired by illegal drugs or alcohol are chemically tested. Includes reports used for persons arrested for driving while impaired by alcohol and/or drugs and breathalyzer analysis reports. SEE ALSO: Laboratory Case Records, below.	a) Transfer original Driving While Impaired (DWI) reports to county Clerk of Superior Court's office. b) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors c) Destroy in office when reference value ends if not made part of case file.[±] Agency Policy: Destroy in office after <u>3 years.</u>	

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20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.20 	ELECTRONIC RECORDINGS OF INTERROGATIONS Electronic recordings generated by audio and/or video recording devices of custodial interrogations in an investigation of a juvenile or any person in a criminal investigation.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office when reference value ends if not made part of case file.± Agency Policy: Destroy in office after <u>3 years.</u>	Authority: G.S. 15A-211 Confidentiality: G.S. 7B-3001(b) G.S. 132-1.4A
20.21 	FIELD OBSERVATIONS Records concerning field observations of suspicious persons or vehicles. Includes subject's name, address, and physical description; date, time, and location of occurrence; reason for stop; name of officer conducting interview; and other related information.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office when reference value ends if not made part of case file.± Agency Policy: Destroy in office after <u>3 years.</u>	Confidentiality: G.S. 132-1.4

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20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.22 	FINGERPRINT CARDS Records used to verify a subject's identity. Includes fingerprints and all necessary information required to identify an individual. Also includes records of latent finger and palm prints that were found at the scene of a crime without identification of suspects <i>Original fingerprint records are forwarded to the State Bureau of Investigation.</i> SEE ALSO: Juvenile Case History Identification Records, below.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office after 3 years if not made part of case file.	Confidentiality: G.S. 132-1.4 Authority: G.S. 15A-502
20.23	FORCIBLE ENTRY RECORDS Records concerning forcible entries made by law enforcement personnel.	Destroy in office after 1 year.	
20.24	FUGITIVE WARRANTS CASE RECORDS Records concerning fugitive warrants sent to a department from another jurisdiction requesting assistance in finding an individual. Includes fugitive profile and warrant.	Destroy in office when reference value ends. [±] Agency Policy: Destroy in office after <u>1 year from date number/arrest report connected to the fugitive warrant indicates the matter is closed or cleared.</u>	the incident

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.25 	IDENTIFICATION PHOTOGRAPHS Photographs (mugshots) of persons arrested in association with formal investigations. Also includes driver's license photos or negatives. SEE ALSO: Juvenile Case History Identification Records, below.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office after 3 years if not made part of a case file.	Confidentiality: G.S. 132-1.4
20.26	INCIDENT RESPONSE REPORTS Reports completed by officers responding to incidents. Includes victim, suspect, and witness information; damaged and stolen property reports; statement sheets; Miranda waiver forms; and other related records.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office when reference value ends if not made part of case file.± Agency Policy: Destroy in office after <u>3 years</u> .	Confidentiality: G.S. 132-1.4
20.27	INMATE CLASSIFICATION RECORDS Records concerning classification information gathered by the detention facility while inmates are incarcerated. Also includes incident reports, behavioral or disciplinary reports, interviews, classification level assigned, requested housing moves, and other related records.	Destroy in office 3 years after inmate is released or transferred from the facility.*	

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20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.28	INMATE COMMITMENT RECORDS Copies of judgment and commitment papers received from the Clerk of Superior Court's office used to validate time spent incarcerated.	Destroy in office when reference value ends. [±] Agency Policy: Destroy in office after <u>3 years from date inmate is released.</u>	
20.29	INMATE DEATH REPORTS Reports filed by office upon the death of an inmate. A report must be sent to the county health director and N.C. Department of Health and Human Services, within five days of the death.	Destroy in office after 3 years.*	Authority: G.S. 153A-224(b)
20.30	INMATE FINANCIAL RECORDS Records concerning individual inmate funds maintained by a detention facility for use by the inmate while incarcerated. Includes balance sheets listing inmate's name and number, amount of funds, dates of deposits and withdrawals, and other related information.	Destroy in office 3 years after inmate is released or transferred from the facility.*	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.31	INMATE GRIEVANCE RECORDS Records concerning grievances filed by inmates and actions taken.	a) If legal action is taken and case adjudicated, destroy in office 5 years after final disposition. b) If legal action is taken and case non-adjudicated (out-of-court claims), destroy in office 5 years after final disposition or expiration of relevant statute of limitations. c) Destroy remaining records in office 3 years after inmate is released or transferred from the facility.*	Confidentiality: G.S. 132-1.1(a)
20.32	INMATE MAIL, TELEPHONE, OR VISITOR RECORDS Records concerning telephone calls and mail sent and received by inmates and individuals visiting inmates confined in county or municipal detention facilities. Includes logs listing inmate's name, date and time of call or mail, visitor's signature and address, and other related information.	Destroy in office after 1 year.*	
20.33	INMATE MEAL RECORDS Records concerning the planning and scheduling of inmate meals. Includes food service daily shift reports, daily meal sheets, food order forms, kitchen checklists, lists of inmates receiving meals and other related records. File also includes records concerning requests for special diets made by inmates.	Destroy in office after 3 years.*	Retention: 10A NCAC 14J .1723

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.34	INMATE MEDICAL RECORDS Records concerning medical examinations, diagnoses, and treatments of inmates. Includes medical information sheets and screening forms, medical histories as provided by inmate, receipt and/or release forms for medications and medical articles, laboratory and x-ray reports, blood pressure records, sick bay transfer forms, special diet authorizations, psychological evaluation forms, suicide watch sheets, progress notes, health assessment forms, dental forms, doctors' orders, transportation records to outside clinics or hospitals, and other related records. May also include authorization records for release of medical information to detention facility staff, informed consent forms, refusal of treatment forms, and release of financial responsibility forms. SEE ALSO: Juvenile Detention Records, below.	Destroy in office 10 years after inmate's release or parole.	Confidentiality: G.S. 8-53 45 CFR 164.502
20.35	INMATE PERSONAL IDENTIFICATION RECORDS Records concerning changes to be made to an inmate's incarceration file. Includes personal identification changes, superior court calendar, long form dismissals and other related records.	Destroy in office 30 days after receipt.*	

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.36	INMATE RESEARCH REQUESTS Requests filed by inmates seeking use of a facility's law library or similar collection containing research materials.	Destroy in office 1 year from date of request.	
20.37	JUVENILE CASE FILES Includes incident and arrest reports, detention orders, disposition instructions, name and address of person having legal and/or physical custody of child, correspondence with county, municipal, or state juvenile services, and other related records.	a) Destroy in office records when juvenile reaches 21 years of age if adjudicated for an offense that would have been a Class A, B1, B2, C, D, or E felony if committed by an adult. b) Destroy in office records related to all other cases when juvenile reaches 18 years of age.	Confidentiality: G.S. 7B-3001(b) Retention:
20.38	JUVENILE CASE HISTORY IDENTIFICATION RECORDS Includes fingerprints and photographs.	a) Transfer to the State Bureau of Investigation and Federal Bureau of Investigation. b) Destroy in office agency copies when reference value ends.* ‡ Agency Policy: Destroy in office after <u>juvenile</u> reaches 18 years of age.	Confidentiality/ Retention: G.S. 7B-2102
20.39	JUVENILE DETENTION RECORDS Records concerning medical and non-medical information gathered on juvenile inmates held in county or municipal detention facilities.	a) Destroy in office medical records when juvenile reaches 30 years of age. b) Destroy in office non-medical records when juvenile reaches 18 years of age.	Confidentiality: G.S. 7B-3001(b)

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

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20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.40 	LABORATORY CASE RECORDS Records concerning cases examined in a crime laboratory; includes reports, notes, charts, and other related records	Retain in office permanently.	Confidentiality: G.S. 132-1.4
20.41 	LAW ENFORCEMENT AUDIO AND VIDEO RECORDINGS Tapes and digital recordings generated by mobile and fixed audio and video recording devices. Does not include Electronic Recordings of Interrogations, above.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office after 30 days if not made part of a case file.	Confidentiality: G.S. 132-1.4A G.S. 153A-98
20.42	MULTIPLE FIREARMS SALES REPORTS Reports received from dealers reporting the sale of multiple firearms.	Destroy in office when reference value ends, but within 20 days after receipt.± Agency Policy: Destroy in office after <u>10 days from date of receipt.</u>	Retention: 18 USC 923(g)(3)(b)
20.43	MULTIPLE FIREARMS SALES REPORTS DESTRUCTION RECORDS Records submitted after 6 months to the U.S. Attorney General's Office certifying that all multiple firearm sales reports received from dealers have been destroyed.	Destroy in office after 1 year.	Authority: 18 USC 923(g)(3)(b)

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.44	ORDINANCE VIOLATIONS CITATIONS Citations issued for violations of municipal and county ordinances.	Destroy in office after 3 years.*	
20.45	PAWNSHOP RECORDS Pawnshop cards and property records submitted to municipal and county law enforcement offices.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office after 1 year if not made part of a case file.	Authority: G.S. 66-391
20.46	PERMISSION TO SEARCH RECORDS Authorizations for officers to search property, and if necessary, confiscate property deemed pertinent to an investigation.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office when reference value ends if not made part of a case file.± Agency Policy: Destroy in office after <u>3 years.</u>	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.47 	PERMITS: CONCEALED WEAPONS AND HANDGUNS Applications and supporting documentation filed to carry concealed weapons or purchase handguns. Includes background checks and other related records.	a) Destroy in office all approved applications after 5 years. b) Destroy in office denied applications and related records 5 years from date of denial or resolution of petition filed with district court, whichever is longer. c) Destroy in office background checks and related records concerning approved applications when permit is issued.	Authority/ Confidentiality: G.S. 14-415.17 G.S. 132-1.4 G.S. 132-1.7
20.48	PRISON RAPE ELIMINATION ACT (PREA) FILE Allegation, investigation, and incident review records documenting investigations into allegations of sexual abuse or sexual harassment.	Destroy in office 6 years after inmate's release. * <i>Retention Note: If a minor is involved in the incident, records should be retained until the minor reaches age 30.</i>	Authority: 28 CFR Part 115
20.49	PRISON RAPE ELIMINATION ACT (PREA) DATA FILE Aggregated data for every allegation of sexual abuse at county or municipal lockups.	Destroy in office after 10 years.	Authority/Retention: 28 CFR Part 115.187 28 CFR 115.189(d)
20.50	PRISONER TRANSPORT RECORD Verification forms completed by receiving party of prisoner patient.	Destroy in office after 1 year.	

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.51	PROPERTY RECORDS Records concerning confiscated property, evidence, stolen or recovered property, and unclaimed property. Includes descriptions of property and its value, serial numbers, and other related records. Records may also be filed with original incident report.	Destroy in office 3 years after final disposition of property.	
20.52	PURSUIT LOGS Logs concerning pursuits by law enforcement personnel.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office after 3 years if not made part of a case file.	
20.53	RIDE-ALONG PROGRAM RECORDS Records concerning a law enforcement ride-along program.	Destroy in office after 3 years.*	
20.54	SEXUAL OFFENDER RECORDS Records concerning sexual offenders living within jurisdiction.	a) Destroy in office records of persons registered in the "Sexually Violent Predator Program" when individual is known dead or after 90 years. b) Destroy in office records of persons registered in the "Sex Offender and Public Protection Program" after court petition and review by the state; or after 30 years or length of court order, whichever is greater; or when individual is known dead.	Authority: G.S. 14-208 Retention: G.S. 14-208.6A

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20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.55	TRAFFIC ACCIDENT REPORTS Records concerning traffic accidents. Includes general correspondence, property receipts, collision reports, waivers signed by involved parties agreeing to settle damages among themselves, and other related records.	a) Transfer original collision report to the N.C. Division of Motor Vehicles within 10 days of accident. b) Destroy in office after 3 years records concerning accidents not meeting N.C. Division of Motor Vehicles reporting requirements, but for which a report was made. c) Destroy in office duplicate reports when reference value ends.± Agency Policy: Destroy in office after <u>3 years.</u>	Confidentiality: 18 USC 2721
20.56	TRAFFIC CITATIONS AND WARNINGS Citations issued to drivers violating motor vehicle and traffic laws. Includes voided citations and warnings that do not require a fine or court appearance.	a) Transfer original citations to county Clerk of Superior Court's office. b) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors c) Destroy remaining records in office after 1 year.	

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20. Law Enforcement Records

STANDARD 20: LAW ENFORCEMENT RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
20.57	TRESPASS RECORDS Authorizations by property owners, lessees, or managers for law enforcement officers to take action deemed appropriate to remove unauthorized persons and issue trespass warnings.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office 1 year after expiration if not made part of a case file.	Authority: G.S. 14-159.12-13
20.58	VEHICLE TOWING RECORDS Includes recovery authorizations and consent forms completed by owners to have vehicle towed, removed, stored, or left at the scene.	a) If records are made part of a case file, follow disposition instructions for: Case File: Felonies Case File: Misdemeanors b) Destroy in office after 1 year if not made part of a case file.	

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

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21. Tax Records (Municipal)

STANDARD 21: TAX RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
21.01 	ANIMAL LICENSING RECORDS Records concerning the licensing of dogs, cats, and other animals by the municipality. Includes owner and animal information and record of fees paid.	Destroy in office after 3 years.*	Authority: G.S. 160A-212 Confidentiality: G.S. 105-259 G.S. 132-1.1(b) G.S. 132-1.2 G.S. 160A-208.1
21.02	BEER AND WINE TAXES AND RECORDS Records concerning the levy of privilege taxes on beer and wine.	Destroy in office after 3 years.*	Authority: G.S. 105-133.77-79
21.03 	BICYCLE LICENSE PLATE RECORDS Records concerning issuance of license plates for bicycles.	Destroy in office after 1 year.*	Confidentiality: G.S. 105-259 G.S. 132-1.1(b) G.S. 132-1.2 G.S. 160A-208.1

* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

21. Tax Records (Municipal)

STANDARD 21: TAX RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
21.04	DELINQUENT TAXPAYER RECORDS Records concerning taxpayers who have not paid real and personal property taxes due, including unpaid notices. SEE ALSO: Delinquent Taxpayer Records: Advertisement of Tax Liens Against Real Property, below.	Destroy in office after 10 years or 3 years after final settlement or 1 year after released by governing board, whichever comes first. *	
21.05	DELINQUENT TAXPAYER RECORDS: ADVERTISEMENT OF TAX LIENS AGAINST REAL PROPERTY Records concerning the municipal taxation officer's publication in the newspaper of delinquent taxpayer and tax sales notices. SEE ALSO: Delinquent Taxpayer Records, above.	Destroy in office after 10 years. *	Authority: G.S. 105-369
21.06	MOTOR VEHICLE RENTAL TAX RECORDS Records concerning motor vehicle rental tax assessments.	Destroy in office after 3 years. *	
21.07	MUNICIPAL VEHICLE TAX RECORDS Records concerning municipal vehicle taxes levied annually.	Destroy in office after 3 years. *	Authority: G.S. 20-97(b)
21.08	PREPARED FOOD AND BEVERAGE TAX RECORDS Records concerning prepared food and beverage tax assessments.	Destroy in office after 3 years. *	

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21. Tax Records (Municipal)

STANDARD 21: TAX RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
21.09	PRIVILEGE LICENSES, TAXES, AND FEE RECORDS Records concerning the licensing of occupations, businesses, trades, professions, and forms of amusement or entertainment and associated fees and taxes. SEE ALSO: Animal Licensing Records (above), Beer and Wine Taxes and Records (above), Municipal Vehicle Tax Records (above), Taxicab and Limousine Tax Records (below).	Destroy in office after 3 years. *	Authority: G.S. 160A-194
21.10	 ROOM OCCUPANCY TAX RECORDS Records concerning the administration of room occupancy tax records for those municipalities who have adopted room occupancy taxes.	Destroy in office after 3 years. *	Authority: G.S. 160A-215 Confidentiality: G.S. 105-259 G.S. 132-1.1(b) G.S. 132-1.2 G.S. 160A-208.1

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

21. Tax Records (Municipal)

STANDARD 21: TAX RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
21.11 	SCHEDULE "B" LICENSES Receipts of licenses issued by municipality in accordance with Article 2, Schedule B of the Revenue Laws of North Carolina. Applies to privilege licenses issued to attorneys-at-law and other professionals, installment paper dealers, and pawnbrokers.	a) Destroy in office 3 years after close of license tax year stubs or detailed settlement records. b) Destroy in office stubs 1 years after audit if settlement records are kept.	Authority: G.S. 105-41 G.S. 105-83 G.S. 105-88 G.S. 153A-152 G.S. 160A-211 Confidentiality: G.S. 105-259 G.S. 132-1.1(b) G.S. 132-1.2 G.S. 160A-208.1
21.12	TAX ABSTRACTS AND LISTS Records concerning real and personal property in the municipality, based on assessment lists. Includes name and address of taxpayer along with descriptions of property owned and estimated value.	Destroy in office after 10 years or two revaluation cycles.	Authority: G.S. 105-309 G.S. 105-296
21.13	TAX EXEMPT PROPERTY FILE Records concerning property that is exempt from taxation.	Destroy in office 5 years after property exemption has expired or at end of life of structure, whichever comes first.	
21.14	TAX LEDGER CARDS OR SHEETS	Destroy in office 5 years after superseded or obsolete.	

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2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

21. Tax Records (Municipal)

STANDARD 21: TAX RECORDS			
ITEM #	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
21.15	TAX LEVY/SEIZURE RECORDS Inventory of property taken from property owner by the municipal tax collector to pay back taxes.	a) Destroy in office after 3 years execution forms if levy and sale of personal property is made. If levy and sale are conducted by municipal law enforcement agency, execution forms are to be retained by that agency. b) If levy, seizure, and sale are not made, destroy in office forms when reference value ends.± Agency Policy: Destroy in office after <u>3 years from the date the forms were completed/generated.</u>	Authority: G.S. 105-366 G.S. 105-367
21.16	TAX LIEN SALES Records concerning sales held to satisfy tax liens.	Destroy in office 10 years after sale.	
21.17	TAX REBATES Records concerning tax rebates given or received.	Destroy in office after 10 years.	
21.18	TAX SCROLLS Records indicating property (real estate and personal) valuation and taxes due.	Destroy in office after 10 years.	
21.19	TAXICAB AND LIMOUSINE TAX RECORDS Records concerning the levy of privilege taxes on taxicabs and limousines.	Destroy in office after 3 years. *	Authority: G.S. 20-97(d)

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MANAGING PUBLIC RECORDS IN NORTH CAROLINA

Q. What is this “records retention and disposition schedule”?

- A.** This document is a tool for the employees of local government agencies across North Carolina to use when managing the records in their offices. It lists records commonly found in agency offices and gives an assessment of their value by indicating how long those records should be retained. This schedule is also an agreement between your agency and the State Archives of North Carolina.

This schedule serves as the inventory and schedule that the State Archives of North Carolina is directed by N.C. Gen. Stat. § 121-5(c) and N.C. Gen. Stat. § 132-8 to provide. It supersedes all previous editions, including all amendments.

Q. How do I get this schedule approved?

- A.** This schedule must be approved by your governing body for use in your agency. That approval should be made in a regular meeting and recorded as an action in the minutes. It may be done as part of the consent agenda, by resolution, or other action.

Q. Am I required to have all the records listed on this schedule?

- A.** No, this is not a list of records you must have in your office.

Q. What is “reference value”?

- A.** Items containing “reference value” in the disposition instructions are generally records that hold limited value, which is typically restricted to those documenting routine operations within the office. A minimum retention period should be established by the office for any items containing the phrase “destroy in office when reference value ends” in the disposition instructions.

Q. Do the standards correspond to the organizational structure of my agency?

- A.** Records series are grouped into standards to make it easier for users to locate records and their disposition instructions. You may find that the groupings reflect the organizational structure of your agency, or you may find that records are located in various standards depending on the content of the record. The intent of the schedule’s organization is to provide an easy reference guide for the records created in your agency.

Q. What if I cannot find some of my records on this schedule?

- A.** Sometimes the records are listed in a different standard than how you organize them in your office. Be sure to check the Index and utilize the search function on the PDF version of the schedule to facilitate the location of records series. If you still cannot locate your records on the schedule, contact a Records Management Analyst. We will work with you to amend this records schedule so that you may destroy records appropriately. The Request for Change in Records Schedule form (see page A-17) can be used for such requests.

Q. What are public records?

- A.** The *General Statutes of North Carolina*, Chapter 132, provides this definition of public records:
- “Public record” or “public records” shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or

characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (state or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the state or of any county, unit, special district or other political subdivision of government.

Q. *Is any person allowed to see my records?*

- A.** Yes, except as restricted by specific provisions in state or federal law. N.C. Gen. Stat. § 132-6 instructs:

“Every custodian of public records shall permit any record in the custodian’s custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law. ... No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request.”

Q. *What about my confidential records?*

- A.** Not all government records are open to public inspection. Exceptions to the access requirements in N.C. Gen. Stat. § 132-6 and the definition of public records in N.C. Gen. Stat. § 132-1 are found throughout the General Statutes. You must be able to cite a specific provision in the General Statutes or federal law when you restrict or deny access to a particular record.

Q. *Am I required to make available to the public copies of drafts that have not been approved?*

- A.** Yes, even if a report, permit, or other record has not been finalized, it is still a public record subject to request. Any record that is not confidential by law must be provided when a request is received, whether it is “finished” or not.

Q. *What do I do with permanent records?*

- A.** Permanent records should be maintained in the office that created the records, forever.

The Department of Natural and Cultural Resources (DNCR) is charged by the General Assembly with the administration of a records management program (N.C. Gen. Stat. § 121-4 (2) and § 132-8.1) and the maintenance of “a program for the selection and preservation of public records considered *essential* to the operation of government and to the *protection of the rights and interests of persons*” (§ 132-8.2). Permanent records with these characteristics require preservation duplicates that are human-readable (paper or microfilm). Some examples of these characteristics include:

- Affect multiple people, without regard to relation
- Have significance over a long span of time
- Document governance
- Document citizenship

Examples of records with these characteristics:

- Minutes of governing bodies at the state and local levels are the basic evidence of our system of governance, and are routinely provided for the public to read.

- Records, such as deeds and tax scrolls, about land document changes in ownership and condition. Counties maintain offices expressly for the purpose of making those records available to the public. Other records in local and state governments document potential public health hazards, such as hazardous materials spills.
- Adoptions, marriages, and divorces document changes in familial relationships and document citizenship. Though adoptions are confidential (not available for public inspection), they document citizenship and changes in inheritance and familial succession.
- Court records, such as wills, estates, and capital cases, affect people within and across family groups, are made available for public inspection, and often involve transactions related to the examples above.

See the Human-Readable Preservation Duplicates policy issued by the North Carolina Department of Natural and Cultural Resources (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines/human-readable-preservation>) and check with a records analyst to determine whether your permanent records require a preservation duplicate.

Q. What is historical value?

A. Historical records document significant events, actions, decisions, conditions, relationships, and similar developments. These records have administrative, legal, fiscal, or evidential importance for the government or its citizens. Two criteria for determining historical value are inherent interest and extraordinary documentation:

- Inherent interest is created by non-routine events, by the involvement of famous parties, and by compelling contexts. For instance, foreclosure proceedings from the 1930s have high historical value because they date from the era of the Great Depression.
- Extraordinary documentation is found in records that shed light on political, public, or social history. For instance, the records from the replevin case that returned the Bill of Rights to North Carolina hold more historical value than most property case files because of the political history intertwined with this case.

SANC has further elaborated selection criteria that help distinguish records with historical value:

- Do they protect the rights and property of citizens?
- Do they have a long-term impact on citizens?
- Do they document the core functions of an agency?
- Do they document high-level decision-making that shapes an agency's policies or initiatives?
- Do they summarize an agency's activities?

Call a Records Management Analyst for further assistance in assessing historical value.

Q. What if I do not have any records?

A. Nearly every position in government generates, receives, or uses records. Computer files of any kind, including drafts and e-mail, are public records. Even if your records are not the official or final version, your records are public records. Not all records have high historical, legal, or fiscal value, but they all must be destroyed in accordance with the provisions of the appropriate records schedule.

Q. I have a lot of unsorted records. What's a good first step for getting a handle on these records?

- A.** We encourage you to create a file plan of what records you have. When you create this plan, you can match each record to its placement on this schedule or on the appropriate retention schedule. A sample file plan is available on Page A-21. Having a file plan can help you strategize how to best organize your physical or digital records. A file plan is also useful in disaster planning and scheduling destructions.

Q. May I store our unused records in the basement, attic, shed, etc.?

- A.** Public records are public property. Though we encourage agencies to find places to store records that do not take up too much valuable office space, the selected space should be dry, secure, and free from pests and mold. Your office must ensure that records stored away from your main office area are well protected from natural and man-made problems while remaining readily available to your staff and the public.

Q. Our old records are stored in the attic, basement, or off-site building, etc. Are we required to provide public access to these records?

- A.** Yes, as long as the records are not confidential by law. You should also be aware that confidentiality can expire.

Q. Aren't all our old records at the State Archives of North Carolina?

- A.** Probably not. The State Archives of North Carolina collects only very specific types of records from local government offices. Contact a Records Management Analyst for more information about which records are held or can be transferred to the State Archives of North Carolina for permanent preservation.

Q. I found some really old records. What should I do with them?

- A.** Call a Records Management Analyst. We will help you examine the records and assess their historical value.

Q. Can I give my old records to the historical society or public library?

- A.** Before you offer any record to a historical society, public library, or any other entity, you must contact a Records Management Analyst. Permanent records must be kept either in your offices or at the State Archives of North Carolina.

Q. Whom can I call with questions?

- A.** If you are located west of Statesville, call our Western Office in Asheville at (828) 250-3103. If you are east of Statesville, all the way to the coast, call our Raleigh office at (919) 814-6900.

AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION

Q. Why is there an asterisk in the disposition instructions of so many items on this schedule?

A. No record involved in a pending or ongoing audit, legal, or other official action may be destroyed before that audit or action is resolved.

A legal hold or litigation hold means that records that are the subject of the legal hold or litigation hold must be preserved and thus must not be destroyed until officially released from the hold. A legal hold or litigation hold is placed when either an official discovery order is served on the agency requesting the production of the records in question (for a litigation, regulatory investigation, audit, open records request, etc.) or litigation is pending and the agency is thus on notice to preserve all potentially relevant records. You must also ensure that for a claim or litigation that appears to be reasonably foreseeable or anticipated but not yet initiated, any records (in paper or electronic formats) relevant to such a claim or litigation are preserved and not destroyed until released by your General Counsel. The records in question must not be destroyed until the completion of the action and the resolution of all issues that arise from it regardless of the retention period set forth in this schedule.

We have used an asterisk (*) in the disposition instructions to mark records series that are commonly audited, litigated, or may be subject to other official actions. However, any record has this potential. Records custodians are responsible for being aware of potential actions, and for preventing the destruction of any record that is, or may be reasonably expected to become, involved in an audit, legal, or other official action.

Records used during routine audits may be destroyed when the governing body accepts the audit, if the records have completed the retention period listed in this schedule. If time remains in the retention period, the records must be maintained for the remainder of the period. The auditor's working papers must be kept according to the schedule. (See also GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Audits: Performance, STANDARD 1: ADMINISTRATION AND MANAGEMENT RECORDS, Audits: Financial, STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS.) Should a dispute arise over an audit, the records that were audited should be retained until that dispute is resolved.

The attorney representing the agency should inform records custodians when legal matters are concluded and records will no longer be needed. Following the conclusion of any legal action, the records may be destroyed if they have met the retention period in the schedule. Otherwise, they should be kept for the remaining time period.

TRANSITORY RECORDS

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”³

According to North Carolina General Statutes § 121 and § 132, every document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data processing record, artifact, or other documentary material, regardless of physical form or characteristics, made or received in connection with the transaction of public business by any state, county, municipal agency, or other political subdivision of government is considered a public record and may not be disposed of, erased, or destroyed without specific approval from the Department of Natural and Cultural Resources.

The Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called “transitory records.” The following questions and answers discuss types of transitory records commonly created in state government. They may be disposed of according to the guidance below. However, all public employees should be familiar with the General Records Schedule for Local Government Agencies, their office’s Program Records Retention and Disposition Schedule, and any other applicable guidelines for their office. If any of these documents require a different retention period for these records, follow the longer of the two retention periods. When in doubt about whether a record is transitory, or whether it has special significance or importance, retain the record in question and seek guidance from the analyst assigned to your agency.

Q. What do I do with routing slips, fax cover sheets, “while you were out” slips, memory aids, etc.?

- A.** Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed.

Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails) have minimal value once the official action these records are supporting has been completed and documented. Unless they are listed on the General Records Schedule for Local Government Agencies or your office’s Program Records Retention and Disposition Schedule, these records may be destroyed or otherwise disposed of once the action has been resolved.

Q. What about research materials, drafts, and other working papers used to create a final, official record?

- A.** Drafts and working papers are materials, including notes and calculations, gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of General Statute § 132, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents which may be destroyed after final approval include:

- Drafts and working papers for internal and external policies

³ Society of American Archivists, *Dictionary of Archives Terminology*.

- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that are already formally documented.

Q. What if I have forms designed and used solely to create, update, or modify records in an electronic medium?

- A.** If these records are not required for audit or legal purposes, they may be destroyed in office after completion of data entry and after all verification and quality control procedures. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g. a signature or notary's seal), they should be retained according to the disposition instructions for the records series encompassing the forms' function.

See also the State Archives of North Carolina's guidance on digital signatures found at: <https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines/digital-signature-policy>

DESTRUCTION OF PUBLIC RECORDS

Q. When can I destroy records?

- A.** Each records series listed on this schedule has specific disposition instructions that indicate how long the series must be kept in your office. In some cases, the disposition instructions are “Retain in office permanently,” which means that those records must be kept in your offices forever.
-

Q. How do I destroy records?

- A.** After your agency has approved this records retention and disposition schedule, records should be destroyed in one of the following ways:
- 1) burned, unless prohibited by local ordinance;
 - 2) shredded, or torn so as to destroy the record content of the documents or material concerned;
 - 3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned;
 - 4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

The provision that electronic records are to be destroyed means that the data, metadata, and physical media are to be overwritten, deleted, and unlinked so that the data and metadata may not be practicably reconstructed.

The data, metadata, and physical media containing confidential records of any format are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.

— N.C. Administrative Code, Title 7, Chapter 4, Subchapter M, Section .0510

Without your agency’s approval of this records schedule, no records may legally be destroyed.

Q. How can I destroy records if they are not listed on this schedule?

- A.** Contact a Records Management Analyst. An analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do have historical value, we will discuss the possibility of transferring the records to the State Archives of North Carolina to be preserved permanently.

If the records do not have historical value, we will ask you to complete a [Request for Disposal for Unscheduled Records](#) form if the records are no longer being created. If the records are an active records series, an analyst will help you develop an amendment to this schedule so that you can destroy the records appropriately from this point forward.

Q. *Am I required to tell anyone about the destructions?*

- A.** We recommend that you report on your records retention activities to your governing board on an annual basis. This report does not need to be detailed, but it is important that significant destructions be entered into the minutes of the Board. See a sample destructions log that follows (and is available online at the State Archives of North Carolina website, <https://archives.ncdcr.gov/government/rm-tools>).



Destructions Log

[illegible]

ELECTRONIC RECORDS: E-MAIL, BORN-DIGITAL RECORDS, AND DIGITAL IMAGING

Q. When can I delete my e-mail?

- A.** E-mail is a public record as defined by N.C. Gen. Stat. § 121-5 and N.C. Gen. Stat. § 132. Electronic mail is as much a record as any paper record and must be treated in the same manner. **It is the content of each message that is important.** If a particular message would have been filed as a paper memo, it should still be filed (either in your e-mail program or in your regular directory structure), and it should be retained the same length of time as its paper counterparts. **It is inappropriate to destroy e-mail simply because storage limits have been reached.** Some examples of e-mail messages that are public records and therefore covered by this policy include:

- Policies or directives;
- Final drafts of reports and recommendations;
- Correspondence and memoranda related to official business;
- Work schedules and assignments;
- Meeting agendas or minutes
- Any document or message that initiates, facilitates, authorizes, or completes a business transaction; and
- Messages that create a precedent, such as issuing instructions and advice.

*From the Department of Cultural Resources E-Mail Policy (Revised July 2009),
available at the State Archives of North Carolina website*

Other publications (available online at the [State Archives of North Carolina website](#)) that will be particularly helpful in managing your e-mail include tutorials on managing e-mail as a public record and on using Microsoft Exchange.

Q. May I print my e-mail to file it?

- A.** We do not recommend printing e-mail for preservation purposes. Important metadata are lost when e-mail is printed.

Q. I use my personal e-mail account for work. No one can see my personal e-mail, right?

- A.** The best practice is to avoid using personal resources, including private e-mail accounts, for public business. N.C. Gen. Stat. § 132-1 states that records “made or received pursuant to law or ordinance *in connection with the transaction of public business* by any agency of North Carolina government or its subdivisions” are public records (emphasis added). The fact that public records reside in a personal e-mail account is irrelevant.

Q. We have an imaging system. Are we required to keep the paper?

- A.** You may scan any record, but you will need to receive approval from the Government Records Section in order to destroy paper originals that have been digitized. Your agency must develop an electronic records policy and then submit a Request for Disposal of Original Records Duplicated by Electronic Means. You can find these templates in the Digital Imaging section of the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines#digital-imaging>). Contact a Records Management Analyst for further instructions on how to develop a compliant electronic records policy.

Permanent records must have a security preservation copy as defined by State Archives of North Carolina's [Human-Readable Preservation Duplicate Policy](#) (N.C. Gen. Stat. § 132-8.2):

Preservation duplicates shall be durable, accurate, complete and clear, and such duplicates made by a photographic, photo static, microfilm, micro card, miniature photographic, or other process which accurately reproduces and forms a durable medium for so reproducing the original shall have the same force and effect for all purposes as the original record whether the original record is in existence or not. ... Such preservation duplicates shall be preserved in the place and manner of safekeeping prescribed by the Department of Natural and Cultural Resources.

The preservation duplicate of permanent records must be either on paper or microfilm.

Non-permanent records may be retained in any format. You will need to take precautions with electronic records that you must keep more than about 5 years. Computer systems do not have long life cycles. Each time you change computer systems, you must convert all records to the new system so that you can assure their preservation and provide access.

Q. Computer storage is cheap. Can I just keep my computer records permanently?

- A.** The best practice is to destroy all records that have met their retention requirements, regardless of format.

Q. What are the guidelines regarding the creation and handling of electronic public records, including text messages and social media?

- A.** There are numerous documents available on the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines>). Topics covered include shared storage, cloud computing, e-discovery, trustworthy digital public records, digital signatures, e-mail, social media, text messages, websites, digital imaging, metadata, file formats, database indexing, and security backups.

Note that e-mail, text messages, and social media should be handled according to their content. Therefore, this schedule does not include a records series that instructs you on how to handle one of these born-digital records by format; instead of focusing on how the information is disseminated, consider what content is contained in the e-mail, text message, or social media post. For instance, an e-mail requesting leave that is sent to a supervisor should be kept for 3 years. On the General Records Schedule: Local Government Agencies, see Leave Records (Standard 4: HUMAN RESOURCES RECORDS).

GEOSPATIAL RECORDS

Q. Why should geographic information system (GIS) datasets be retained and preserved?

- A.** Geospatial records are public records and need to be retained and preserved based on their legal, fiscal, evidential and/or historical value according to an established retention schedule. Local agencies involved in GIS operations should work with the State Archives of North Carolina in order to appraise, inventory, and preserve their geospatial records according to established best practices and standards to insure both their short- and long-term accessibility.

Due to the complexity and transitory nature of these records, geospatial records retention and long-term preservation is a community-wide challenge. GIS files have become essential to the function of many local agencies and will continue to frequently be utilized in agency decision-making processes in the near and far future. Accessibility of GIS records over time has legal, fiscal, practical, and historical implications. The availability of GIS records can help safeguard the local government's legal and fiscal accountability and aid agencies in conducting retrospective and prospective studies. These studies are only possible when essential data from the past are still available.

Q. What GIS datasets should be preserved by local governments?

- A.** The following types of geospatial records have been designated as having archival value:
- Parcel data
 - Street centerline data
 - Corporate limits data
 - Extraterritorial jurisdiction data
 - Zoning data, address points
 - Orthophotography (imagery)
 - Utilities
 - Emergency/E-911 themes

For more information, see **GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, STANDARD 3: GEOGRAPHIC INFORMATION SYSTEM (GIS) RECORDS**.

Q. How often should we capture the datasets retained for their legal, fiscal, evidential or historical value?

- A.** Consult the retention schedule for frequency of capture. The frequency of capture is based on the significance of the record as well as its alterability.

Q. What data formats, compression formats, and media should be used to preserve the data?

- A.** Archiving practices should be consistent with North Carolina Geographic Information Coordinating Council (GICC) approved standards and recommendations. (Examples: Content Standards for Metadata; Data Sharing Recommendations). Consult the GICC website at <https://it.nc.gov/about/boards-commissions/gicc>.

You should also comply with guidelines and standards issued by the State Archives of North Carolina, which are available on its website.

Q. Who should be responsible for creation and long-term storage of archived data?

- A.** The creating agency, NCOneMap, and the State Archives of North Carolina may all have responsibility for archiving data. If you choose to upload your data to NCOneMap, consult with your county's GIS department to determine whether data will be uploaded by your agency or by the whole county. If you choose not to upload your data to NCOneMap, your agency must comply with standards (for metadata, file naming, data sharing, and long term preservation) and procedures adopted by the North Carolina Geographic Information Coordinating Council.

SECURITY PRESERVATION COPIES OF RECORDS

Q. What is the advantage to having security preservation copies of records stored with the State Archives?

- A. Having duplicate copies of essential records in a separate location mitigates the risk that you may lose the only physical copy of a given record in a disaster or other records loss event. Maintaining offsite duplicates of records, regardless of format, is a good practice to adopt.

The State Archives creates duplicate copies on microfilm because of the durability of the medium. Silver negative microfilm does not decay for hundreds of years, ensuring that your records maintain their integrity over time.

Q. What records will the State Archives back up for us?

- A. The State Archives provides security imaging services for minutes of major decision-making boards and commissions. We will also image records of adoptions for Social Services agencies as well as maps and plats from Registers of Deeds offices. Once those records are imaged, they are converted to security microfilm. We will store the silver negative (original) microfilm in our security vault. Contact the Records Management Analyst in charge of imaging coordination for the most current information.
-

Q. How do I start the process of backing up the above listed records?

- A. We have three processes for creating backup film copies of these records. First, you can send photocopies of your approved minutes to us in the mail. Simply include a copy of the **Certification of the Preparation of Records for Security Preservation Copy** form (available online at the [State Archives of North Carolina website](#)) with each shipment. For more detailed instructions, contact a Records Management Analyst.

Secondly, you can bring us your original books. We will film them and return them to you. This process is most useful when you have more minutes to film than you are willing to photocopy. It is important to remember that a representative of your office or ours must transport the original books in person so that the custody of the records is maintained. You should not mail or ship your original minutes. Contact the Records Management Analyst in charge of imaging coordination to schedule an appointment for your books to be imaged. We will make every effort to expedite the filming so that your books will be returned to you as quickly as possible.

Finally, you can submit these records to the State Archives electronically. Please see our procedures in "[Transfer of Minutes in Digital Formats for Microfilming](#)" or contact the Records Management Analyst in charge of imaging coordination for more information.

Q. In the event of a records loss, how do I obtain copies of the security preservation copies stored at the State Archives?

- A. Contact the Records Management Analyst in charge of imaging coordination who will help you purchase copies of the microfilm from our office. You can then send those reels to a vendor who can either make new printed books or scan the film to create a digital copy.

Q. Can I obtain digital copies of the security preservation records?

- A.** Yes, you can request digital copies of records when you submit them to the State Archives for initial reproduction. Contact the Records Management Analyst in charge of imaging coordination to initiate a request for digital duplicates.

DISASTER ASSISTANCE

Q. What should I do in case of fire or flood?

- A.** Secure the area, and keep everyone out until fire or other safety professionals allow entry. Then, call our Raleigh office at (919) 814-6903 for the Head of the Government Records Section or (919) 814-6849 for the Head of the Collections Management Branch. If you're in the western part of the state, call our Asheville Office at (828) 250-3103. On nights and weekends, call your local emergency management office.

DO NOT ATTEMPT TO MOVE OR CLEAN ANY RECORDS.

Damaged records are extremely fragile and require careful handling. Our staff are trained in preliminary recovery techniques, documenting damage to your records, and authorizing destruction of damaged records. Professional vendors can handle larger disasters.

Q. What help do you give in case of an emergency?

- A.** We will do everything we can to visit you at the earliest opportunity in order to provide hands-on assistance. We can assist you in appraising the records that have been damaged so that precious resources (and especially time) are not spent on records with lesser value. We can provide lists of professional recovery vendors that you can contact to preserve your essential and permanent records.
-

Q. What can I do to prepare for an emergency?

- A.** We provide training on disaster preparation that includes a discussion of the roles of proper inventories, staff training, and advance contracts with recovery vendors. If you would like to have this workshop presented, call a Records Management Analyst.
-

Q. What are essential records?

- A.** Essential records are records that are necessary for continuity of operations in the event of a disaster. There are two common categories of records that are considered essential:
- **Emergency operating records** – including emergency plans and directives, orders of succession, delegations of authority, staffing assignments, selected program records needed to continue the most critical agency operations, as well as related policy or procedural records.
 - **Legal and financial rights records** – these protect the legal and financial rights of the Government and of the individuals directly affected by its activities. Examples include accounts receivable records, Social Security records, payroll records, retirement records, and insurance records. These records were formerly defined as “rights-and-interests” records.

Essential records should be stored in safe, secure locations as well as duplicated and stored off-site, if possible.

STAFF TRAINING

Q. What types of workshops or training do you offer?

- A.** We have a group of prepared workshops that we can offer at any time at various locations throughout the state. Contact a Records Management Analyst if you are interested in having one of the workshops presented to your agency. We will work with you directly to develop training suited to your specific needs. Our basic workshops are:
- Managing public records in North Carolina
 - Disaster preparedness and recovery
 - Digital communications

Q. Will you design a workshop especially for our office?

- A.** Yes, we will. Let a Records Management Analyst know what type of training you need.

Q. Are workshops offered only in Raleigh?

- A.** No, we will come to your offices to present the workshops you need. We have no minimum audience requirement. We will also do presentations for professional associations, regional consortiums, and the public.

To arrange a workshop, please call the State Records Center at 919-814-6900 or contact a Records Management Analyst (<https://archives.ncdcr.gov/government/local/analysts>).

Q. Is there a fee for workshops?

- A.** Not at this time.

Q. Are the workshops available in an online format?

- A.** We can offer a virtual workshop for your agency upon request. For descriptions of available webinars, see <https://archives.ncdcr.gov/government/training/webinars>. You can also find several online tutorials available on the State Archives of North Carolina website (<https://archives.ncdcr.gov/government/training/online-tutorials-and-resources>).



Request for Change in Local Government Records Schedule

Use this form to request a change in the records retention and disposition schedule governing the records of your agency. Submit the signed original and keep a copy for your file. A proposed amendment will be prepared and submitted to the appropriate state and local officials for their approval and signature. Copies of the signed amendment will be sent to you for insertion in your copy of the schedule.

AGENCY INFORMATION

Requestor name

Location and Agency [e.g., County/Municipality + Department of Social Services]

Phone and e-mail

Mailing Address

CHANGE REQUESTED

Specify title and edition of records retention schedule being used: _____

☐ Add a new item

☐ Delete an existing item

Standard Number _____ Page _____ Item Number _____

☐ Change a retention period

Standard Number _____ Page _____ Item Number _____

Title of Records Series in Schedule or Proposed Title:

Inclusive Dates of Records:

Proposed Retention Period:

Description of Records:

Justification for Change:

Requested by:

Signature

Title

Date

Approved by:

Signature

Requestor's Supervisor

Date



Request for Disposal of Unscheduled Records

AGENCY INFORMATION

Requestor name

Location and Agency [e.g., County/Municipality + Department of Social Services]

Phone and e-mail

Mailing Address

In accordance with the provisions of N.C. GEN. STAT. § 121 and § 132, approval is requested for the destruction of records listed below. These records have no further use or value for official administrative, fiscal, historical, or legal purposes.

RECORDS TITLE AND DESCRIPTION	INCLUSIVE DATES	QUANTITY	RELEVANT STATUTORY REGULATIONS	PROPOSED RETENTION PERIOD

Requested by:

Signature

Title

Date

Approved by:

Signature

Requestor's Supervisor

Date

Concurred by:

Signature

Assistant Records Administrator
State Archives of North Carolina

Date



Request for Disposal of Original Records Duplicated by Electronic Means

If you have questions, call (919) 814-6900 and ask for a Records Management Analyst.

This form is used to request approval from the Department of Natural and Cultural Resources to dispose of non-permanent paper records that have been scanned, entered into databases, or otherwise duplicated through digital imaging or other conversion to a digital environment. This form does not apply to records that have been microfilmed or photocopied or to records with a permanent retention.

Agency Contact Name:		Date (MM-DD-YYYY):
Phone (area code):	E-mail:	
County/Municipality:	Office:	
Mailing address:		

Records Series Title A group of records as listed in records retention schedule	Description of Records Specific records as referred to in-office	Inclusive Dates (1987-1989; 2005-present)	Approx. Volume of Records (e.g. "1 file cabinet," "5 boxes")	Retention Period As listed in records retention schedule

Requested by:

Signature

Title

Date

Approved by:

Signature

Requestor's Supervisor

Date

Concurred by:

Signature

Assistant Records Administrator
State Archives of North Carolina

Date



919-814-6900

[illegible]

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RESOLUTION NUMBER _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**A RESOLUTION EXPRESSING CONCURRENCE WITH REVISIONS
TO THE EMPLOYEE POLICIES AND PROCEDURES MANUAL**

WHEREAS, the City of Asheboro Employee Policies and Procedures Manual (formerly known as the City of Asheboro Personnel Policies and Procedures Manual and hereinafter referred to as the “Manual”), which was originally promulgated by the city manager and approved by resolution of the Asheboro City Council on March 4, 2004, has to be updated on a regular basis; and

WHEREAS, the city manager periodically receives recommendations from the human resources director and other members of the city management team to update the Manual by eliminating areas of ambiguity and integrating best practices in the field of municipal administration; and

WHEREAS, in response to recommendations received subsequent to March 7, 2020, which was the effective date of the last revision to the Manual, the city manager approved the revision of certain employee policies and procedures in order to help the city workforce successfully navigate the current workplace conditions; and

WHEREAS, the revised policies and procedures are specified in EXHIBITS 1, 2, 3, and 4, which are attached to this Resolution and are hereby incorporated into this instrument by references as if copied fully herein; and

WHEREAS, the Asheboro City Council has concluded that the city manager’s actions to update the Manual as stated herein are supportive of the governing board’s goal to create a positive work environment for municipal employees and thereby facilitate excellence in the provision of municipal services to the citizens of Asheboro.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the governing board hereby concurs with the city manager’s decision to incorporate, with an effective date of January 10, 2022, the revisions to the City of Asheboro Employee Policies and Procedures Manual that are attached to this Resolution as EXHIBITS 1, 2, 3, and 4; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the governing board hereby delegates to the city manager the authority, to the limited degree such a delegation of authority is needed to successfully implement the revision(s) contained within the attached exhibits, to grant paid leave to city

employees as part of a safety program designed to comply with the applicable federal and state statutes and administrative regulations; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that all articles, sections, and provisions contained within the Manual that are not clearly and unmistakably referenced by this instrument and the incorporated exhibits are unaffected by this Resolution and remain, without alteration, in full force and effect.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of January, 2022.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

EXHIBIT 1

ARTICLE I: UNIFIED HUMAN RESOURCES SYSTEM

Section 8. Substance Abuse Prevention Policy

8.01 The following rules represent the City of Asheboro's policy concerning the prevention of substance abuse. These rules will be enforced uniformly for all employees. The purposes of the policy are as follows:

- (A) The establishment and maintenance of a safe and healthy working environment for all employees;
- (B) Compliance with United States and North Carolina Department of Transportation regulations pertaining to holders of a Commercial Driver's License ("CDL");
- (C) The establishment and maintenance of a drug-free workplace for the City of Asheboro;
- (D) The establishment and maintenance of a positive, good government reputation for the City of Asheboro and its employees within the community so as to foster confidence in the ability of the municipal corporation to safely and effectively deliver public services;
- (E) The reduction and prevention of accidental injuries, absenteeism, tardiness, and other work-related problems that negatively impact the city's employees and the public that it serves; and
- (F) The creation and facilitation of an opportunity for rehabilitative assistance to be made available for employees who seek such help.

8.02 Employees with substance abuse problems are encouraged to seek help from counselors and other medical professionals and, where appropriate, in treatment facilities. Participation in a treatment or rehabilitation program for substance abuse will not be grounds for dismissal provided the employee voluntarily enters such a program prior to identification as a substance abuser by means of the implementation of one of the regulations/testing procedures established by this policy.

8.03 For the purpose of interpreting and implementing the substance abuse prevention policy, the following bold and italicized words or terms shall be defined and implemented as specified in this subsection.

- (A) An **alcohol test** means a test for the presence of alcohol in the body. This presence must be determined by the use of a breath alcohol test or other device approved by the United States Department of Transportation. Alcohol testing shall be conducted in compliance with 49 CFR Part 40 (hereinafter referred to as "Part 40"). By way of illustration and not limitation, such compliance shall include strict adherence to Part 40 as to how alcohol testing is conducted, who is authorized to participate in the alcohol testing program, and what employees must do before they may return-to-duty following an alcohol violation.
- (B) A **drug test** means a test for the presence of drugs listed in the drug testing panel established by the United States Department of Transportation. Drug testing shall be conducted in compliance with Part 40. By way of illustration and not limitation, such compliance shall include strict adherence to Part 40 as to how drug testing is conducted, who is authorized to participate in the drug testing program, and what employees must do before they may return-to-duty following a drug violation.
- (C) A **negative drug test** means a drug test that does not show the presence of drugs and/or drug metabolite(s) at a level specified to be a positive test.
- (D) A **positive drug test** means a drug test that does indicate the presence of a drug and/or drug metabolite(s) in the urine or blood at the level specified to be positive by the Substance Abuse and Mental Health Services Administration ("SAMHSA"). All positive test results will be confirmed using a different technology than the first test, such as the Gas Chromatography Mass Spectrometry ("GC-MS") process.
- (E) A **negative alcohol test** means an alcohol test that indicates a breath alcohol concentration of less than 0.02.
- (F) A **positive alcohol test** means an alcohol test that indicates a breath alcohol concentration of 0.04 or greater.
- (G) The term **refusal to submit** means an occurrence when an employee does any one of the following:

- (1) Fails to provide an adequate amount of urine for a drug test without a valid medical explanation after he/she has received notice of the test;
 - (2) Fails to provide an adequate amount of breath for an alcohol test without a valid medical explanation after he/she has received notice of the test; or
 - (3) Engages in conduct that clearly indicates he/she is failing to follow through with the testing process or engages in conduct that interferes with the ability to obtain an adequate specimen.
- (H) With the exception of fire department employees who operate emergency equipment and are therefore exempt from the CDL requirement, the term **employees required to have a CDL** means employees who perform one or more of the following functions:
- (1) Drivers of commercial motor vehicles with a gross vehicle weight rating of 26,001 pounds or more;
 - (2) Drivers of commercial motor vehicles with a gross combination weight rating of 26,001 pounds or more, including a towed vehicle with a gross vehicle weight rating of 10,000 pounds or more;
 - (3) Drivers of motor vehicles designed to transport 16 or more passengers, including the driver; and
 - (4) Drivers of motor vehicles of any size transporting hazardous materials in amounts that require placarding.
- (I) Based on definitions utilized by the United States Department of Transportation, and with the explicit notation that the following definition is not meant to serve as an exhaustive or exclusive listing of safety-sensitive functions because other job activities/requirements may also be considered safety-sensitive, the term **safety-sensitive function** shall be deemed to include the following activities:
- (1) Driving a commercial motor vehicle;
 - (2) Inspecting, servicing, or conditioning any commercial motor vehicle;
 - (3) All time at a city facility or other public property waiting to operate a commercial motor vehicle;
 - (4) Performing all or other functions in or upon any commercial motor vehicle except resting in a sleeper berth;
 - (5) Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading of a commercial motor vehicle, attending a commercial motor vehicle being loaded or unloaded, or remaining in readiness to operate the commercial motor vehicle;

- (6) All time spent performing the driver requirements associated with an accident involving a commercial motor vehicle; and
- (7) Repairing, obtaining assistance, or remaining in attendance with a disabled commercial motor vehicle.

8.04 The substance abuse prevention policy is applicable to all of the types/categories of city employees listed in this subsection.

- (A) All full-time, part-time, temporary, and seasonal employees.
- (B) All employees required as part of their job duties to obtain and maintain a CDL.
- (C) All applicants for employment with the City of Asheboro.

8.05 Under the city's substance abuse prevention policy, the drug and alcohol testing practices described in this subsection will be implemented in a manner that conforms to all applicable federal and state laws and administrative regulations.

(A) Pre-Employment Testing

Drug testing shall be conducted prior to employment. This testing must be conducted on external applicants as well as current employees transferring into jobs that require a CDL. The test results must indicate a negative drug test in order to enter into employment with the city or to transfer to a job that requires a CDL.

(B) Post-Accident Testing

A drug test and/or an alcohol test may be used by the city as a tool, in appropriate circumstances, to evaluate the root causes of incidents that result in work-related injuries or illnesses requiring medical treatment other than first aid for city employees or others. When evaluating whether to utilize post-accident testing of one or more employees, the central inquiry will be whether a reasonable basis exists to believe that drug or alcohol use by one or more employees could have contributed to the injury or illness. The highest ranking supervisor of the employee(s) involved in an incident that results in injury or illness, in consultation with the city's safety manager or any other designee of the human resources director, must evaluate the totality of the evidence, including whether the hazardousness of the work being performed creates a heightened concern as to whether drug or alcohol use was involved, and decide whether a reasonable basis exists to order drug and/or alcohol

testing because of the potential role these substances could have played in the work-related illness or injury. If a reasonable basis is found to exist for testing one or more employees, then the drug and/or alcohol test(s) indicated by the facts surrounding the work-related injury or illness shall be conducted as soon as practicable.

(C) Post-Accident Testing for Employees Required to Have a CDL

For employees required to have a CDL, post-accident testing for drugs and alcohol must be conducted on any surviving driver who was performing safety-sensitive functions with respect to the vehicle if:

- (1) The accident involved a fatality; or
- (2) The driver received a citation under state or local law for a moving traffic violation arising from the accident and either the vehicle is towed from the scene or someone is medically evacuated from the scene.

Testing for drugs and alcohol in employees required to have a CDL is to occur, if at all practicable, within 2 hours of the accident. If the employee is unable to be tested within 2 hours, the reasons for the delay must be documented. If an alcohol test required by this division of subsection 8.05 is not administered within 8 hours of the accident, attempts to conduct the alcohol test shall cease and the reason for the inability to conduct the test shall be documented. If a drug test required by this division of subsection 8.05 is not administered within 32 hours of the accident, attempts to conduct the drug test shall cease and the reason for the inability to conduct the drug test shall be documented.

(D) Random Testing

This type of testing must be conducted on a random, unannounced basis throughout the year on all employees required to have a CDL. Random testing for drugs and alcohol in all employees required to have a CDL shall be conducted in a manner and at a rate that is fully compliant with all of the applicable federal and state laws and administrative regulations.

(E) For Cause Testing

This type of testing can occur in two types of situations that are described as follows:

- (1) This testing, whether the testing consists of a drug test and/or an alcohol test will depend on the facts of each case, is required of any employee who has been arrested or has had his/her driver's license suspended for any alcohol or drug related charge prior to the employee's return to work. Such an employee must notify his/her supervisor prior to returning to work after the said arrest and/or suspension has occurred. An employee's failure to report this information to a supervisor in a timely manner serves as a stand-alone basis for dismissing the employee from his/her position of employment with the city.
- (2) In appropriate circumstances and in consultation with the human resources department, specifically including the safety manager or any other official designated by the human resources director, a supervisor may order "for cause" testing of an employee as a tool to determine why actions are occurring that have the potential to be injurious to the employee himself or herself, other city employees, or third parties. The final decision as to whether "for cause" testing is to be ordered will be based on a case-by-case evaluation of the totality of the evidence to determine whether observations of the employee and his/her actions during the relevant time period lead to a reasonable suspicion that impairment due to drug and/or alcohol use is creating the potential for injury. An additional factor to be weighed as part of the decision making process is whether the degree of hazardousness of the work being performed and the potential for harmful consequences heightens the city's interest in quickly determining whether drug or alcohol use is impairing the ability of an employee to safely perform his/her duties. If the responsible city officials conclude that a reasonable suspicion exists to believe that alcohol or drug use by one or more employees is creating an unsafe situation, then the drug and/or alcohol test indicated by the observable facts shall be conducted as soon as practicable.

(F) Return-to-Duty Testing

In cases where an employee is seeking to return to work after a positive drug test and/or a positive alcohol test, return-to-duty testing focused on the same type of testing that previously produced a positive test result must be successfully completed by the employee before approval can be granted for the employee to return to work. More specifically, an employee who has had a positive drug test and/or a positive alcohol test will not be allowed to return to work until he or she has been evaluated by a substance abuse professional and has tested negative on the designated return-to-duty test.

(G) Follow-Up Testing

After an employee has successfully completed the above-described return-to-duty testing, the employee will be subject to follow-up testing during the 12-calendar month time period immediately following the date of the employee's return to duty. During the said 12-month time period, a minimum of 6 follow-up tests will be administered without advance notice of the date and time when testing will occur. Due to regulatory concerns pertaining to measuring impairment at a relevant point in time, a follow-up drug test may be administered any time the employee is at work, but a follow-up alcohol test will only be administered immediately before, during, or immediately after the performance of a safety-sensitive function. The type of test to be administered will depend on which type of positive test result necessitated the return-to-duty testing and the subsequent follow-up testing. No sentence or clause within this division of subsection 8.05 shall be construed or interpreted in any manner that precludes the administration of a drug or alcohol test that would otherwise be authorized by a separate division of subsection 8.05.

8.06 The following list of prohibitions, inclusive of the corresponding consequences for acting in contravention of the stated prohibitions, is hereby adopted as a component of the city's substance abuse prevention policy.

- (A) No employee shall report for duty or remain on duty while having alcohol and/or drug concentrations in his or her system in amounts that would constitute a positive test for either substance. An employee who produces a confirmed positive test result will be removed from duty without regular pay; provided, however, such an employee may use accrued leave time while relieved of his or her duties so long as such leave is used in a manner that is compliant with all other sections of the City of Asheboro Employee Policies and Procedures Manual. The employee must immediately schedule an evaluation with a substance abuse professional and must cooperate with any and all recommendations made by the substance abuse professional. Refusal to cooperate with the substance abuse professional will subject the employee to dismissal from his or her employment with the city. The employee must have a negative test result before he or she will be allowed to return to duty.
- (B) The City of Asheboro expressly prohibits the possession, use, sale, distribution, dispensation, manufacture, purchase, or storage of controlled substances (i.e. illegal drugs) and related paraphernalia as well as alcoholic beverages by city employees while at the workplace or

while performing work duties. By way of illustration and not limitation, no employee shall be on-duty while in the possession of one or more alcoholic beverages and/or controlled substances. Any action taken in violation of this prohibition will subject the offending employee to dismissal from his or her employment with the city. Notwithstanding the foregoing prohibition, the following actions by city employees will not be deemed to be a violation of a workplace rule:

- (1) The possession and use of medication(s) in strict compliance with prescriptions and instructions, include work limitations, issued by a properly licensed health care provider;
 - (2) The inadvertent discovery and subsequent securing of abandoned controlled substances and associated paraphernalia as well as alcoholic beverages during the course of performing an employee's job duties so long as such abandoned items are immediately surrendered to a law enforcement officer or destroyed in a manner consistent with instructions received from the Asheboro Police Department; and
 - (3) The interaction of sworn law enforcement officers with controlled substances and paraphernalia as well as alcoholic beverages so long as such interaction is conducted in furtherance of assigned job duties and is conducted in a manner that is compliant with all applicable laws, ordinances, administrative regulations, and agency policies and procedures.
- (C) No employee who is required to take a post-accident alcohol test shall use alcohol until the earlier of either of the following events: 8 hours following the accident, or until he or she fully completes the required post-accident alcohol test. A violation of this requirement will subject the non-compliant employee to dismissal from his or her employment with the city.
- (D) A refusal by an employee to submit to and fully cooperate with an alcohol test and/or drug test required by this policy shall be deemed to be a direct and intentional act of insubordination that will result in the termination of the non-compliant employee's employment with the city.
- (E) Except when the use is pursuant to the instructions of a properly licensed health care professional who has informed the employee that the prescribed use of the controlled substance will not adversely affect the employee's ability to safely perform assigned work duties, employees are prohibited from reporting for duty or remaining on duty while the employee is subject to the effects of any controlled substance.

- (F) A second occurrence of a positive drug test and/or alcohol test will result in the dismissal of an individual from his or her employment with the city.
- (G) An employee who has a confirmed breath alcohol test result of 0.02 – 0.039 will not be allowed to continue to perform any safety-sensitive functions. In furtherance of this prohibition, such an employee will be relieved of his or her job duties for 24 hours subsequent to the confirmed test result. During this 24-hour period, the employee will not be paid by the city; provided, however, the employee may use accrued leave time while relieved of his or her duties so long as such leave is used in a manner that is compliant with all other sections of the City of Asheboro Employee Policies and Procedures Manual. The occurrence of this confirmed breath alcohol test result will be documented, and the employee will be counseled about the importance of reporting to work without the presence of alcohol in his or her system. Such an employee will be subject to a return-to-duty alcohol test prior to returning to a job position that requires the performance of a safety-sensitive function.
- (H) No applicant will be offered employment if a confirmed positive pre-employment drug test result is produced.

8.07 This subsection lists supplemental provisions/requirements that are hereby incorporated into the city's substance abuse prevention policy.

- (A) The Omnibus Transportation Employee Testing Act of 1991 (final rules implemented February 15, 1994) requires, in part, that any commercial motor vehicle operator who is subject to the CDL requirements in the State of North Carolina shall be tested for alcohol and controlled substances.
- (B) Compliance with the Department of Health and Human Services mandatory guidelines for controlled substances testing shall be maintained by only using a laboratory certified by the Substance Abuse and Mental Health Services Administration.
- (C) Federally mandated alcohol testing must be conducted by a Breath Alcohol Technician ("BAT") trained to a level of proficiency that is demonstrated by successful completion of a generally recognized and accepted course of instruction. Alcohol testing shall be conducted using an Evidential Breath Testing ("EBT") device.
- (D) Consistent with the federal Drug-Free Workplace Act, if an employee is convicted of a violation of a criminal drug statute and the violation

occurred while the employee was at work, the employee must notify his or her department head of the conviction within 5 days after the conviction. An employee's failure to comply with this requirement will subject the employee to dismissal from his or her employment with the city.

- (E) All drug test results shall be reviewed and interpreted by a Medical Review Officer ("MRO"). The MRO must be a licensed physician with specific training in substance abuse. If the laboratory reports a positive test result, the MRO or the MRO's designee will contact the employee, typically by telephone, and discuss the results with the employee. The MRO will then attempt to determine if there is a verifiable medical explanation for the employee to have the detected drug in his or her system. If there is none, the test result is to be reported as positive. If there is a verifiable medical explanation for the use of the drug, the result is to be reported as negative.

- (F) In situations where the laboratory reports a negative dilute drug test result, the three immediately following procedures shall be applicable.

- (1) If the test was performed in order to comply with United States Department of Transportation ("DOT") regulations, and the MRO directs that a second collection take place under direct observation (i.e., because the creatinine concentration of the specimen was equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL), then immediate compliance with the instructions shall occur. Failure of the employee or applicant to submit for this recollection is classified by the DOT as a refusal to test.
- (2) If the test was not performed in order to comply with a DOT regulatory program, and the MRO directs that a second collection take place (i.e., because the creatinine concentration of the specimen was equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL), then immediate compliance with the instructions shall occur. Direct observation is not to be utilized in this circumstance. Failure of the employee or applicant to submit for this recollection shall be deemed to be a refusal to test.
- (3) Otherwise, if the creatinine concentration of the negative dilute specimen was greater than 5 mg/dL, then the city will accept the negative test result for the employee or applicant as is.

~~(F)~~ (G)

An employee who does not pass a drug and/or alcohol test and is terminated, or an applicant who does not pass the pre-employment drug test, will not be considered for re-employment for a 2-year period following the date of the failed test and then will be considered only when he or she provides documentation suitable to management that he or she has successfully completed an alcohol and/or drug rehabilitation program and passes a pre-employment drug and/or alcohol test.

~~(G)~~ (H)

On January 6, 2020, the United States Department of Transportation's Federal Motor Carrier Safety Administration Drug and Alcohol Clearinghouse (the "Clearinghouse") became operational. As an employer regulated by the Federal Motor Carrier Safety Administration, the city is a registered user of the Clearinghouse with certain reporting obligations. CDL holders and applicants for jobs requiring a CDL are hereby notified that the following information will be reported to the Clearinghouse:

- (1) A verified positive, adulterated, or substituted drug test result;
- (2) An alcohol confirmation test with a concentration of 0.04 or higher;
- (3) A refusal to submit to a drug or alcohol test;
- (4) An employer's report of actual knowledge, as defined in 49 CFR § 382.107;
- (5) On-duty alcohol use pursuant to 49 CFR § 382.205;
- (6) Pre-duty alcohol use pursuant to 49 CFR § 382.207;
- (7) Alcohol use following an accident pursuant to 49 CFR § 382.209;
- (8) Drug use pursuant to 49 CFR § 382.213;
- (9) A substance abuse professional's report of successful completion of the return-to-duty process;
- (10) A negative return-to-duty test; and
- (11) An employer's report of completion of follow-up testing.

~~(H)~~ (I)

Any questions regarding this policy should be directed to the Human Resources Director at (336) 629-2037.

EXHIBIT 2

ARTICLE V: BENEFITS

Section 6. Special Separation Allowance for Law Enforcement Officers

In accordance with N.C. Gen. Stat. § 143-166.42, all eligible sworn law enforcement officers employed by the City of Asheboro shall receive, beginning on the last day of the month in which he/she retires on a basic service retirement, an annual separation allowance. The retiring officer's initial eligibility for the special separation allowance and the formula to be used in calculating the amount of the allowance shall be determined by city staff members in the finance and human resources departments in strict compliance with the statutory provisions found in N.C. Gen. Stat. § 143-166.41(a)(b) applicable statutes and administrative regulations, specifically including without limitation the above-cited statutory provision.

Payment to a retired officer under the provisions of this section shall cease at the first of:

- 1) The death of the officer;
- 2) The last day of the month in which the officer attains 62 years of age; or
- 3) The first day of reemployment by a local government employer in any capacity; provided, however, that a local government employer may employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System, and doing so shall not cause payment to cease to those officers under the provisions of this section.

If a retired officer's receipt of the special separation allowance is terminated because of the individual's reemployment with a local government employer in a position or capacity that triggers a cessation of payments under the provisions of the immediately preceding subsection, payment of the special separation allowance cannot be resumed at a later date.

The cessation of the above-described payments to a retired officer shall be governed by the provisions listed below.

- (1) Subject to the following subsection (2), payment to a retired officer under the provisions of this section shall cease at the first of the following occurrences:
 - (a) The death of the officer;
 - (b) The last day of the month in which the officer attains 62 years of age; or

- (c) The first day of reemployment by a local government employer in any capacity.
- (2) Notwithstanding any other provision contained within this section, payments to a retired officer shall not cease when a unit of local government employs a retired officer for any of the following:
 - (a) In a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System; or
 - (b) In service to a county board of elections on an election day in a capacity that complies with G.S. 128-21(19) and does not result in cessation or suspension of the retiree's benefit from the Local Governmental Employees' Retirement System.
- (3) If a retired officer's receipt of the special separation allowance is terminated because of the individual's reemployment with a local government employer, payment of the special separation allowance cannot be resumed at a later date.

EXHIBIT 3

ARTICLE VI: GENERAL WORKPLACE POLICIES / CONDITIONS OF EMPLOYMENT

Section 7. Work-Related Injuries and Accidents Policy

The City of Asheboro places the highest priority on creating and maintaining a safe work environment. The establishment of a consistently safe workplace is essential to the city's operations and to the city's commitment to comply with all applicable laws pertaining to safety in the workplace. In furtherance of the commitment to create a safe work environment, employees are expected to assist the city in maintaining safe working conditions. The provisions found in this section apply to all employees while at work or engaged in work-related activities.

Employees are expected to follow common-sense safety practices and to correct or report any unsafe condition to their supervisors. Similarly, as soon as one or more employees realizes that a work-related accident, injury, or illness has occurred, any employee with knowledge of the incident is required to report the occurrence to their supervisors as quickly as is practicable. The detailed reporting procedures and safety policies for varying subject areas with which employees are required to comply are stated in the City of Asheboro Safety Policy Manual (the "Safety Manual").

On the basis of a delegation of authority from the Asheboro City Council, the City Manager will utilize the Safety Manual to implement the city's commitment to creating and maintaining a safe work environment. The implementation of a safe work environment will include the use of the Safety Manual to conform the city's policies, procedures, and practices to the standards (or rules) adopted by the North Carolina Division of Occupational Safety and Health (hereinafter the "NC OSH"). By way of illustrating and not limiting the delegation of authority granted to the City Manager in the interest of creating and maintaining a safe work environment, the policies contained within the Safety Manual may include allowances for the use of paid leave not otherwise established in the city's employee policies and procedures manual so long as the paid leave allowance authorized within the Safety Manual is limited to the amount of leave strictly necessary for compliance with the standards adopted by NC OSH.

The Safety Manual shall be available for review by employees upon request. Any difficulty encountered by an employee in accessing the Safety Manual shall be reported immediately to the employee's supervisor. With respect to any safety related concern, an employee is authorized to communicate with the Safety Coordinator

Manager, Human Resources Director, and/or City Manager without fear of facing disciplinary action for violating the “chain of command.”

Employees are expected to report to work during each scheduled workday able to safely and competently perform their job duties. If employees are unable to safely or competently perform their job duties for any reason, they are required to inform their supervisors without any unnecessary delay. Additionally, employees who observe or experience unsafe working conditions have the right, and are required, to report the unsafe working condition(s) to their supervisors as quickly as possible.

All work-related accidents, injuries, and illnesses, even those that may not initially be deemed to be serious, must be reported as soon as is practicable to supervisors. Employees who experience a work-related accident, injury, or illness are to use their best efforts to complete the appropriate forms and to cooperate to the best of their ability with the city's efforts to comply with the applicable recording, reporting, and investigation obligations.

The city can only become a safer and healthier place for everyone to work by gaining full knowledge of every workplace accident, injury, or illness. Employees' notification to the city of unsafe work conditions or of workplace injuries or illnesses is essential.

Employees are hereby assured that they will not be penalized in any way for reporting unsafe working conditions or for reporting work-related injuries or illnesses. All employees have the right to report unsafe working conditions or to report a work-related injury or illness.

All employees have the right to address any questions about this policy to the **Safety Coordinator Manager**, Human Resources Director, and/or the City Manager.

EXHIBIT 4

ARTICLE VIII: DISCIPLINARY ACTIONS

Section 7. Administrative Guidelines

Unsatisfactory Performance of Duties

This category covers all types of performance-related inadequacies. This policy does not require that the progressive warnings address the same type of unsatisfactory performance, but it does require that all warnings be related to job performance. Unsatisfactory performance of duties may include, but is not limited to:

- 1) Inefficiency or incompetence in performing duties;
- 2) Negligence in performance of duties;
- 3) Physical or mental incapability for performing duties;
- 4) Careless or improper use of city property;
- 5) Failure to maintain satisfactory and harmonious working relationships with fellow employees and the public;
- 6) Habitual pattern of failure to report for duty at the assigned time and place;
- 7) Absence without approved leave;
- 8) Habitual and improper use of sick leave privileges;
- 9) Failure to obtain or maintain current license or certificate required as a condition for performing the job; and
- 10) Failure to wear and use appropriate safety equipment or otherwise to abide by safety rules and policies.

Improper Personal Conduct

An employee who engages in a single act of improper personal conduct is subject to dismissal from employment with the City of Asheboro regardless of whether the employee has previously received a warning of any kind during his or her career with the city. The following list is illustrative, and is not an exhaustive or exclusive list,

of the types of improper personal conduct that will lead to the termination of an individual's employment with the city:

- 1) Conduct unbecoming a city employee;
- 2) Conviction of a felony;
- 3) Committed a criminal act;
- 4) Misusing city funds;
- 5) Falsifying information provided to the municipal corporation in order to secure one or more job assignments or position(s);
- 6) Engaging in any action that would in any way seriously disrupt or disturb the normal operations of the municipal corporation;
- 7) Willful acts that would endanger the lives or property of others;
- 8) Willfully damaging city property;
- 9) Possessing unauthorized weapons, alcoholic beverages, or illegal substances while on the job;
- 10) Threats, pressure, or physical actions against others, specifically including without limitation uninvited and repeated contact, whether by means of communication devices or by means of physical visits to the grounds or home of the targeted individual, for the purpose of harassing an individual or forcing unwelcomed dialogue/discussion that is not subject to free speech protections afforded by the Constitutions of the United States and the State of North Carolina;
- 11) Insubordination;
- 12) Accepting gifts for "favors" or "influence;"
- 13) Without proper authorization, disseminating or otherwise releasing in any manner information that is lawfully maintained by the city as confidential information;
- 14) Unauthorized possession of the city's or another employee's property;
- 15) Leaving the work area repeatedly for excessively long periods without proper authorization;

- 16) Violation of the city's policies prohibiting sexual harassment, unlawful discrimination, workplace violence, and/or substance abuse;
- 17) Providing or maintaining false or improper records/documents;
- 18) Sleeping during work time;
- 19) Gambling during work time; and
- 20) Providing an untruthful statement or statements during an administrative investigation conducted by the city and/or otherwise attempting to impede the ability of the city to conduct an accurate and complete administrative investigation.

Written Warning

During the period after written warnings have been issued for unsatisfactory performance of duties, management may choose to counsel with the employee concerning his/her employment status before a decision to demote or dismiss is made. Such counseling should involve a candid discussion about the actions that an employee must take in order to correct the unsatisfactory performance. As a part of this counseling, management may request the employee to take up to one (1) day's leave with pay to consider whether or not the employee wishes to continue his/her employment with the city. It should be stressed to the employee that a decision to continue employment with the city will require a commitment to improve performance, and that a lack of improvement will lead to dismissal. Management is expected to use its discretion to determine when this procedure would benefit the employee and the city.

Suspension

Investigatory or disciplinary suspension may be used by management in appropriate circumstances. The following general guidelines shall be utilized when deciding whether to place an employee on suspension:

- 1) If the infraction or behavior is extremely serious or injurious to the city, fellow employees, or the public, a supervisor may suspend an employee without warning. However, before any further formal disciplinary action such as demotion or dismissal is taken against an employee, the employee's division director/department head must consult with the human resources department.
- 2) An employee who has been suspended for either investigatory or disciplinary reasons may be placed on compulsory leave without pay.

- 3) Investigatory suspension with or without pay may be appropriate:
 - (a) To provide time to investigate, establish facts, and reach a decision concerning an employee's status in those cases where it is determined the employee should not continue to work pending a decision; and
 - (b) When management elects to use investigatory suspension in order to avoid undue disruption of work or to protect the safety of persons or property.
- 4) Investigatory suspension without pay shall not exceed thirty (30) calendar days.
- 5) Investigatory suspension with pay will be at the request of the division director/department head and must be authorized by the city manager.
- 6) An employee who has been suspended with or without pay must be furnished a letter with the specific reasons for his/her suspension and notice of right to appeal. A copy of the letter shall be forwarded to the human resources department in advance.
- 7) Suspension with or without pay must be fully documented.

Review of Documentation

- 1) ~~An employee who objects to material in his or her personnel jacket may place in the file a statement relating to the material the employee considers to be inaccurate or misleading. The employee may seek the removal of such material by filing a grievance and following the grievance procedures specified in this manual.~~
- 2) ~~Probationary employees who have been subject to disciplinary action for improper personal conduct, and are ineligible for access to the city's appeal procedures for regular employees, may submit to the human resources director a written request for an informal name-clearing proceeding that will be conducted by the human resources director. The human resources director must receive such a written request within thirty (30) business days of the date of receipt by the probationary employee of the problem-causing documentation. In his or her request, the probationary employee must state the basis for his or her belief that the submitted documentation should be amended, supplemented, or removed.~~
 - (a) ~~During the informal hearing of this matter, the human resources director shall review all pertinent written reports and may request~~

additional information and documentation. Also, the human resources director may receive new evidence, written or oral, from the division director/department head and employee so long as the evidence is relevant to whether the problem causing documentation should be removed, amended, or supplemented. In deciding the question presented by the probationary employee, the human resources director may reject the probationary employee's contention or agree to amend, supplement, or remove the documentation previously placed in the employee's personnel jacket.

- (b) If an individual is dissatisfied with the decision rendered by the human resources director, the individual may appeal the human resources director's decision by submitting a written request to the city manager for an informal hearing before the city manager. Such a request must be received by the city manager within fifteen (15) business days of the date on which the individual received the human resource director's written decision.
- (c) The city manager shall review the entirety of the information previously reviewed by the human resources director during his or her consideration of the matter. Additionally, the city manager may receive new evidence, written or oral, from the division director/department head and employee so long as the evidence is relevant to whether the problem causing documentation should be removed, amended, or supplemented. When ruling on the appeal, the city manager may confirm or modify the decision of the human resources director. The decision rendered by the city manager shall be final. The city manager shall furnish written notice to the employee, the division director/department head, and the human resources director of his final ruling.
- (d) This name clearing opportunity is for the limited and sole purpose of providing an employee who has no other grievance or appeal rights with an opportunity to properly request the removal or mitigation of allegedly damaging information previously placed in a personnel jacket. The name clearing process shall not afford probationary employees access to the city's appeal process specified in this Article or to the city's grievance procedure that is specified in this manual. During the name clearing process, the previously suspended, demoted, or dismissed probationary employee does not have the right to appeal his or her suspension, demotion, or dismissal from employment and is expressly prohibited from raising such an appeal.

An employee who objects to material in his or her personnel jacket may place in the file a statement relating to the material the employee considers to be inaccurate or misleading. The employee may seek the removal of such material by filing a grievance and following the grievance procedures specified in this manual.

Section 8. Name-Clearing Hearing

- (A) If an employee is demoted or separated from employment with the city, and the employee contends that, in relation to such a personnel action, false stigmatizing statements about the employee have been or may be made public, then the employee may request a name-clearing hearing under the conditions set forth below. The purpose of the hearing is to afford the employee an opportunity to clear his or her name by responding to the statements. These name-clearing hearing procedures will not serve as an appeal of any disciplinary action or to gain reinstatement to city employment.
- (B) Non-probationary employees who are disciplined or dismissed from their employment with the city will continue to have appeal rights as established elsewhere in this employee policies and procedures manual.
- (C) A name-clearing hearing will be offered whenever the following three conditions are met:
- (1) An employee is demoted or separated from employment;
 - (2) The employee contends that stigmatizing statements have been placed in his or her personnel file, or otherwise could be made public, and the alleged statements involve the employee's deliberate fraud, or dishonesty, or imply the existence of serious character defects such as dishonesty or immorality; and
 - (3) The employee asserts the statements are untrue.
- (D) A name-clearing hearing is not required every time an employee is demoted or separated from employment. Such a hearing is required only when a statement relating to the demotion or separation from employment stigmatizes the employee's reputation, and the employee asserts that the statement in question is false. A statement is "stigmatizing" if it involves allegations of dishonesty, immorality, or other conduct that may damage the employee's reputation among associates and impair his or her ability to obtain employment. Examples of stigmatizing statements include falsifying records, misappropriating city property or funds, mental instability, statements that the employee is untruthful, untrustworthy, or unethical as well as statements that the employee has committed a crime or other immoral act.

- (E) When an employee is demoted or separated from employment with the city, and the circumstances surrounding the personnel action potentially fall within the scope of this section, departmental managers initiating the personnel action must notify the employee in writing of the opportunity to request the scheduling of a name-clearing hearing by the human resources director.
- (F) A request for a name-clearing hearing must be filed in writing with the human resources department within three business days from the effective date of the personnel action that gave rise to the request. The request will not stay the demotion or separation from employment. An employee's failure to request a name-clearing hearing in accordance with the timeline stated herein shall be considered a waiver of the employee's rights under this specific policy. When the written request for a name-clearing hearing is submitted to the human resources department, the employee must identify within the written request the following issues:
- (1) The statements that the employee contends are false and stigmatizing to his or her reputation; and
 - (2) The manner in which the false statements were made public or are likely to be made public.
- (G) City personnel will arrange for the name-clearing hearing to be recorded, and one copy of the recording will be made available at no cost to the employee.
- (H) The requested name-clearing hearing shall be held at a location, date, and time scheduled by the human resources director or his designee. The city manager shall designate, for each hearing, the individual who will serve as the hearing officer. Upon the receipt of the employee's timely request for a name-clearing hearing, the human resources director, or his designee, shall schedule the hearing for a date that falls within thirty calendar days of the date upon which the written request was received by the human resources department. The employee requesting the hearing shall be given notice of the location, date, and time of the scheduled hearing no less than three calendar days in advance of the date set for the name-clearing hearing.
- (I) The employee who requested the name-clearing hearing may invite anyone to the hearing, which is held for the purpose of allowing the employee an opportunity to clear his or her name publicly. The employee will be allowed to present testimony, documents, and/or witnesses to support the employee's allegation(s) that the stigmatizing statements in question are false. The employee may be represented by counsel. However, the name-clearing hearing is not a forum where city employees or members of the audience are cross-examined or asked to provide evidence, unless they want to provide evidence at the request of the employee in an attempt to help the employee present his

or her name-clearing hearing case. The hearing will not consist of or result in the formulation of any conclusions or the reevaluation or nullification of any particular employment recommendation or action.

(J) Once the name-clearing hearing has concluded, an audio recording of the hearing will be placed in the employee's personnel jacket maintained in the human resources department along with the following statement completed and signed by the human resources director:

It is hereby certified that on _____, a name-clearing hearing was held at the request of _____. This file contains a record of the proceedings of the hearing with _____ serving as the hearing officer.

Date: _____

Human Resources Director



Items related to Senate Bill 300/SL 2021-138 (Criminal Justice Reform)

- i) RZ-21-15: Text amendments related to the zoning ordinance regarding Senate Bill 300 (Criminal Justice Reform)
- ii.) Text amendments to the subdivision ordinance

Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-21**
 -15

Date 12-6-2021 Planning Board

Applicant City of Asheboro

Legal Description

Request by City of Asheboro to amend the zoning and subdivision ordinances related to local planning and development regulation in response to Senate Bill 300/SL 2021-138 (Criminal Justice Reform).

Requested Action See legal description
above

Existing Zone N/A

Land Development Plan See rezoning staff report

Planning Board Recommendation

The Planning Board concurred with staff reasoning.

Reason for Recommendation

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-21-15

Date 1/6/2022 City Council

General Information

Applicant City of Asheboro

Address 146 North Church Street

City Asheboro NC 27203

Phone 336-626-1201 Ext. 225

Location N/A

Requested Action Text amendments to the zoning ordinance related to Senate Bill 300

Existing Zone N/A

Existing Land Use N/A

Size N/A

Pin # N/A

Applicant's Reasons as stated on application

See narrative on staff report, which discusses the Land Development Plan calling for periodic review of the zoning ordinance as needed. The purpose of the proposed text amendments is to ensure that the zoning ordinance complies with newly enacted Senate Bill 300, and any items identified as erroneous based on this legislation will be corrected. Changes to state law make these amendments necessary. Amendments are proposed to make the ordinance comply with state law.

Surrounding Land Use

North N/A

East N/A

South N/A

West N/A

Zoning History Text amendments periodically relate to enforcement and administrative provisions (see RZ-10-21 in 2001, and RZ-16-01 in 2016). However, there is no specific history related to criminal penalties.

Legal Description

Amendments to Zoning Ordinance Chapters 2 and 9 concerning provisions related to Senate Bill 300 and the decriminalization of zoning violations. Articles of the Zoning Ordinance that are affected include Chapter 2 and Chapter 9.

Analysis

1. Text amendments are proposed to the Asheboro Zoning Ordinance on matters that affect land use to ensure compliance with recent state legislation which included provisions for decriminalization of zoning laws that are included in Chapter 160D (Local Planning and Development Regulation) of the North Carolina General Statutes.
2. All other enforcement action, including civil penalties, court injunctions, and other equitable remedies are still available in cases in which these enforcement measures are warranted.
3. This legislation does not affect enforcement authority for unsafe buildings, which remains subject to misdemeanor criminal penalties. It also does not effect the enforcement mechanisms for violations occurring within watershed or regulated flood hazard areas, as those are stipulated by separate provisions of state law.

Rezoning Staff Report

RZ Case # RZ-21-15

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation N/A
Small Area Plan N/A
Growth Strategy Map Designation N/A

LDP Goals/Policies Which Support Request

2.1.1 The Zoning Ordinance will periodically be reviewed to ensure that the specific regulations for each Zoning District are aligned with the desired character and focus of each district.

Rezoning Staff Report

RZ Case # RZ-21-15

LDP Goals/Policies Which Do Not Support Request

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

The text amendments are necessary to comply with state, and the Land Development Plan generally supports periodic updates to the zoning ordinance. One of the criteria that necessitates an update in the zoning ordinance is adherence to state law.

Considering these factors, staff believes the requested text amendments are consistent with the adopted LDP and is therefore reasonable and in the public's interest.

Recommendation

In light of the above analysis, staff's recommendation is to approve the request.

indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the administrator's, or his authorized designee's, discretion.

- (2) The final written notice (and the initial written notice may be the final notice) shall state what action the administrator, or his authorized designee, intends to take if the violation is not corrected and shall advise that the decision or order may be appealed to the Board of Adjustment as provided in this Chapter.
- (3) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety or welfare, the administrator, or his authorized designee, may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this section.
- (4) A notice of violation shall not be required where a notice of the same violation has been issued to the same violator at the same property within the previous two years. In such cases, the violator may be charged with a continuing violation without further notice.

(D) Penalties and Remedies for Violations

- ~~(1) Violations of the provisions of the Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor, punishable as provided in General Statutes 160A-175~~
- ~~(2)~~(1) Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall also subject the offender to a civil penalty of up to five hundred (\$500) dollars for each day the violation continued unabated. The amount of the civil penalty will be based on the following criteria:
 - (a) Whether the violator has been notified of similar violations in the past;
 - (b) The potential profit to the violator in continuing the violation;
 - (c) The degree and duration of noncompliance; and
 - (d) The City's cost to investigate and pursue abatement of the violation.

If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the City in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 2.05(C)(2) and did not take an appeal to the Board of Adjustment within the prescribed time. The Enforcement Officer has the discretion to waive the penalty if the violator worked to correct the violation in good faith.

- ~~(3)~~(2) This section may also be enforced by any appropriate equitable action.

- (4)(3) Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (5)(4) Any permit, certificate, or other authorization for property on which there is an uncorrected violation may be withheld, or may be conditioned on the correction of the violation and/or payment of a civil penalty.
- (6)(5) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

(E) Permit Revocation

- (1) A zoning, building, sign, or special use may be revoked by the permit issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed by the permit issuing board.
- (2) Before a Special Use Permit may be revoked, all requirements of this Ordinance shall be complied with. The notice of violation shall inform the permit recipient of the alleged grounds for the revocation.
- (3) Before a zoning or sign permit may be revoked, the administrator shall give the permit recipient ten days notice of the intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the administrator shall provide to the permittee a written statement of the decision and the reasons therefore.
- (4) No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, or Special Use Permit after such permit has been revoked in accordance with this section.

(F) Judicial Review

Every decision of the City Council granting or denying any rezoning, Special Use Permit, and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Randolph County by proceedings in the nature of certioraris.

Chapter 9: FLOOD DAMAGE PREVENTION ORDINANCE

901 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

901.1 STATUTORY AUTHORIZATION.

~~The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Chapter 160D; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.~~

As a North Carolina municipal corporation, the City of Asheboro is authorized to adopt regulations designed to promote the public health, safety, and general welfare. Article 21, Part 6 in Chapter 143 of the General Statutes of North Carolina specifically authorizes the city to adopt ordinances to regulate uses in flood hazard areas and grant permits for the use of flood hazard areas.

Therefore, the City Council of the City of Asheboro, North Carolina, does ordain as follows:

901.2 STATUTORY AUTHORIZATION.

- (1) The flood prone areas within the jurisdiction of the City of Asheboro are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

901.3 STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

901.4 OBJECTIVES.

The objectives of this ordinance are to:

- (1) protect human life, safety, and health;
- (2) minimize expenditure of public money for costly flood control projects;
- (3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) minimize prolonged business losses and interruptions;



Application for Zoning Ordinance/Map Amendment

APPLICATION FEE

A \$200 filing fee is required for any amendment.

APPLICATION INSTRUCTIONS

The rezoning process can be complex. It is highly recommended that the applicant speak with Planning and Zoning Department staff prior to submitting the application and paying the filing fee. Contact staff at (336) 626-1201 ext. 225 to ensure application requirements are satisfied.

REQUIRED APPLICATION CONTENTS

- 1) A dimensional map, at a scale of not more than 200 feet to the inch, showing the land that would be covered by the proposed amendment, if the amendment would require a change in the zoning atlas.
- 2) A legal description/deed reference of such land.
- 3) Letter to be mailed by applicant notifying neighboring property owners of the request. Consistent with Section 160D-602(e) of the North Carolina General Statutes, the applicant shall notify neighboring property owners of the requested conditional zoning as well as the location, time, and date on which the Planning Board will hold a legislative hearing on the request. This notice must be in the form of a mailed notice provided in compliance with the guidance found in Section 160D-602(a) of the North Carolina General Statutes. During the legislative hearing, the applicant shall report to the Planning Board on the delivery of the required notice and any communication with neighboring property owners and residents concerning the requested conditional zoning.

APPLICATION DEADLINES AND MEETING DATES

The deadline for filing of applications for legislative hearings will be the day which is 55 days prior to the date of the City Council meeting for which the public hearing is to be set, provided that the deadline is no less than 17 days prior to the Planning Board's required legislative hearing; in these instances, the deadline will be 62 days prior to the date of the City Council meeting for which the public hearing is to be set. If five (5) applications have been received prior to the cut-off date, the request will be heard the following month.

<i>Application Deadline</i>	<i>Planning Board Meeting</i>	<i>City Council Meeting</i>
December 11, 2020	Monday, January 4, 2021	Thursday, February 4, 2021
January 8, 2021	Monday, February 1, 2021	Thursday, March 4, 2021
February 12, 2021	Monday, March 1, 2021	Thursday, April 8, 2021
March 12, 2021	Monday, April 5, 2021	Thursday, May 6, 2021
April 16, 2021	Monday, May 3, 2021	Thursday, June 10, 2021
May 21, 2021	Monday, June 7, 2021	Thursday, July 15, 2021
June 11, 2021	Monday, July 12, 2021	Thursday, August 5, 2021
July 16, 2021	Monday, August 2, 2021	Thursday, September 16, 2021
August 13, 2021	Monday, September 13, 2021	Thursday, October 7, 2021
September 10, 2021	Monday, October 4, 2021	Thursday, November 4, 2021
October 15, 2021	Monday, November 1, 2021	Thursday, December 9, 2021
*November, 2022: Confirm application deadline with staff	Monday, December 6, 2021	*January, 2022: Confirm meeting date with staff

***January, 2022 Council meeting dates are not set by Council until December, 2021.**

APPLICANT INFORMATION

Applicant City of Asheboro

Applicant's Phone # 336-626-1201 ext. 225

Applicant's Address 146 North Church Street

Applicant Email Address jevans@ci.asheboro.nc.us

PROPERTY INFORMATION FOR MAP AMENDMENTS (N/A)

Property Owner's Name _____

Location of Property _____

Property Size (ac. or s.f.) _____

Randolph County Property Identification Number (PIN#) _____

Current Zoning District _____

Requested Zoning District _____

Date Property Title Acquired _____

Deed Book _____ Page _____

Subdivision _____ Section _____ Lot # _____

Plat Book _____ Page _____

ORDINANCE AMENDMENT INFORMATION

1. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

See narrative on staff report, which discusses the Land Development Plan calling for periodic review of the zoning ordinance as needed.

For questions (2) and (3), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

2. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors. The purpose of the proposed text amendments is to ensure that the zoning ordinance complies with newly enacted Senate Bill 300, and any items identified as erroneous based on this legislation will be corrected.

Does not apply ☐

3. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare? Changes to state law make these amendments necessary.

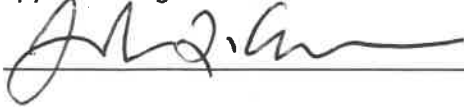
Does not apply ☐

4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment? Amendments are proposed to make the ordinance comply with state law.

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant. The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

Applicant Signature



Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)

Owner Address

146 North Church Street

Asheboro, NC 27203

Telephone Number

336-626-1201 Ext. 225

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: JLE Date: Filed 10-29-21 Case Number: _____

The information below is related to the following agenda item for the Asheboro Planning Board meeting on Monday, December 6, 2021, related to Senate Bill 300 (Criminal Justice Reform) and criminal penalties for violations of the Asheboro Subdivision Ordinance

Introduction: Text amendments are proposed to the Asheboro Subdivision Ordinance on matters that affect subdivision to ensure compliance with recent state legislation.

Code of Asheboro Text Amendments Legal Description: In order to act upon amendments designed to conform existing ordinance references/citations to the enactment of Chapter 160D of the North Carolina General Statutes, and in order to implement the decriminalization of certain ordinances in compliance with Session Law 2021-138 (Senate Bill 300), the Asheboro City Council will hold a legislative hearing on the question of amending the following Section of the Asheboro Subdivision Ordinance pertaining to local planning and development regulation; Article IV, Legal Provisions, Subsection IV (Penalties for Violation)

Staff Consistency Statement: These amendments are proposed to comply with recent changes in state law. While all changes to the Subdivision Ordinance are not directly addressed in the Land Development Plan, the Plan generally supports keeping regulations related to land use periodically updated.

The City's Charter also states that "the City of Asheboro shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate." The proposed amendments are to help ensure the Asheboro Subdivision is not in conflict with state law.

Given these factors, and to ensure local compliance with state law, staff believes that the proposed text amendments are consistent with the Land Development Plan and are therefore reasonable and in the public interest. Therefore staff recommends approval of the proposed amendments.

The Planning Board considered this request during its meeting on December 9, 2021 and concurred with staff reasoning on the consistency statement and staff recommendation.

Asheboro Subdivision Ordinance

Article IV, Legal Provisions

IV. PENALTIES FOR VIOLATION

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other uses of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the office of the Randolph County Register of Deeds, shall be subject to civil penalties, court injunction, or other equitable legal remedies. ~~guilty of a misdemeanor~~. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The City of Asheboro through its attorney or other official designated by the City Council, may enjoin illegal subdivision, transfer or sale of land, and the Court shall, upon appropriate findings, issue an injunction or other equitable legal remedy and order requiring the offending party to comply with the Subdivision Ordinance. ~~Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G. S. 14-4.~~



RZ-21-16: Conditional Zoning application to rezone property located at manufactured home park located on the north side of Hub Morris Road, adjacent to and southeast of the existing North Meadows community at 801 Hub Morris Road (Randolph County Parcel Identification Number 7763544550)

Planning Board Recommendation and Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-21**
 -16

Date 1-3-2022 Planning Board

Applicant City of Asheboro

Legal Description

The property of Vuncannon-Frazier, LLC, located southeast of 801 Hub Morris Road, totaling approximately 44.17 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7763544550.

Requested Action Rezone from R10 Medium-Density Residential and R40 Low-Density Residential to R10 (CZ) Medium-Density Residential Conditional Zoning for a manufactured/mobile home park.

Existing Zone R10/R40

Land Development Plan See rezoning staff report

Planning Board Recommendation

At the request of the applicant, the Planning Board continued the case on December 6, 2021 until January 3, 2022. On January 3, 2022, the Planning Board recommended approval of the request.

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # RZ-21-16

Date 1/6/22 City Council

General Information

Applicant Vuncannon-Frazier Cory Vuncannon

Address 801 Hub Morris Road

City Asheboro NC 27203

Phone 336-465-3304

Location southeast of 801 Hub Morris Road

Requested Action Rezone from R10 Medium-Density Residential and R40 Low-Density Residential to R10 (CZ) Medium-Density Residential Conditional Zoning for a manufactured/mobile home park.

Existing Zone R10/R40

Existing Land Use Undeveloped

Size 44.17 acres +/-

Pin # 7763544550

Applicant's Reasons as stated on application

Development of 189 manufactured home sites with: 1.) Lot size 6,000 SF minimum with asphalt drive; 2.) 25' wide access roads with 20' wide asphalt paving. 3.) City standard water and sewer facilities with dedicated easements; 4.) Security fencing on south and east property lines with planted area on south side. 5.) 25' wide access drive on Hub Morris Road with electronic gate. 6.) Utilization of existing amenities & self-operated garbage collection. The development will create a modern complex with the same zoning currently allowed in the existing manufactured home park. The development will continue to fill the need for modern affordable housing in the City of Asheboro and surrounding areas.

Surrounding Land Use

North Manufactured Home Park

East Wastewater Treatment Plant

South Low-Density Single-Family Residential

West Undeveloped

Zoning History SUP-07-11 (2017): Special Use Permit issued for Place of Assembly (Non Commercial) (i.e. church)

Legal Description

The property of Vuncannon-Frazier, LLC, located southeast of 801 Hub Morris Road, totaling approximately 44.17 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7763544550.

Analysis

1. The property is outside the city limits. Connection to city utilities will require annexation of the property in accordance with city policies.
2. Hub Morris Road is a state-maintained major thoroughfare. NCDOT is requesting a traffic study as part of the driveway permitting process.
3. The applicant is proposing a conditional zoning R10 district to allow development of manufactured home park with 188 lots. The development is adjacent to North Meadows manufactured home park which contains 207 lots. The proposed manufactured home park would be accessed from Hub Morris Road and via roadway connections to the adjoining manufactured home park. This development proposes a lesser front yard setback than North Meadows.
4. The conditional zoning process allows an applicant to propose a project-specific zoning district that establishes permitted uses, development conditions and site development requirements. The project-specific zoning district is allowed to diverge from the zoning ordinance's predetermined land use requirements. Refer to staff attachment #1 for apparent deviations from predetermined requirements.
5. This is a different review process than the Special Use Permit process that North Meadows underwent. The North Meadows property is not included in this application; it will retain its current Special Use Permit and must continue to abide by the conditions of that permit.
6. Proposed landscaping yards and buffers/screens are included along Hub Morris Road and the southern property boundary. The plans indicate the use of a mixture of plantings and fencing.
7. The overall density of the proposed development is approximately 4.26 units per acre. The overall density of the adjoining manufactured home park is approximately 3.83 units per acre.
8. The zoning ordinance states that the R10 Residential District is "intended to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living."
9. A small portion of the property (less than 1/10th acre) is within a floodplain.

Rezoning Staff Report

RZ Case # RZ-21-16

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation Neighborhood Residential

Small Area Plan Northeast

Growth Strategy Map Designation Long-Range Growth

LDP Goals/Policies Which Support Request

Checklist Item 1: Complies with LDP proposed land use map

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance.

Checklist Item 12: Location is outside of watershed area.

Rezoning Staff Report

RZ Case # **RZ-21-16**

LDP Goals/Policies Which Do Not Support Request

Checklist Item 5: Does not comply with Growth Strategy Map

Checklist Items 13-14: 13.) The property is located within Special Hazard Flood Area. 14.) Rezoning is located on steep slopes of greater than 20%.

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

The property's present R10 Medium-Density Residential zoning district would allow a sizeable major residential subdivision to be developed on the property without public participation. While this request to place the property in a conditional zoning district does afford the property owner the ability to develop more home sites, and sites specifically for manufactured homes, it also enables the public to offer input on the proposal that can be considered by all parties.

While the project's density is greater than what would be expected from a residential subdivision or manufactured home park in the R10 district relying on a Special Use Permit, the applicant is providing interconnectivity between developments which is advocated for by the Land Development Plan and is important for traffic distribution and service provision.

However, the application's reliance on the exiting North Meadows development for on-site management and recreational amenities could be problematic should this property be operated independent of North Meadows in the future. It is also unclear that stormwater quantity management will adequately ensure adjoining properties are not adversely affected by the development. The site plan does, however, reference water quality best-management practices to address stormwater impacts on water quality.

Refer to staff attachment #2 for suggested conditions believed to be necessary to ensure Land Development Plan consistency and general conformity with city codes. Staff's recommendation is to approve the request with these conditions.

Recommendation Approve subject to owner's acceptance of suggested conditions.

Staff Attachment #1

The conditional zoning process allows an applicant to propose a project-specific zoning district that establishes permitted uses, development conditions and site development requirements that may diverge from the zoning ordinance's predetermined requirements.

The following identifies predetermined Special Use Permit requirements for Manufactured/Mobile Home Parks in the R10 district that the application would not meet.

Chapter 5, Subsection 5.04(50) Manufactured Home Parks

Manufactured home parks may be permitted in an R40, R10, R7.5, and RA6 District, subject to the following regulations. The yard and height regulations set forth in Table 4-1 may be modified for a manufactured home park, provided that, for such development as a whole, excluding driveways and streets but including parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which such development is located.

- Deviation: The area per dwelling unit is less than the area per dwelling unit for the R10 district when driveways and streets are accounted for.

(3) An engineering study of storm water runoff shall be made. If such study indicates that post development runoff will exceed predevelopment conditions, plans for runoff control shall be designed and certified by a professional engineer. Such controls shall be designed to reduce the runoff during the occurrence of a 10 year storm to predevelopment flow rate. Prior to a Certificate of Occupancy, a Professional Engineer shall provide certification that the storm water controls were built according to the plans. The continued maintenance of all runoff control measures shall be the responsibility of the property owner.

- Deviation: The applicant has not indicated that a study or controls, if warranted, will be provided.

(10) Adequate water service and sanitary and storm sewerage shall be provided for each lot. Plans for publicly maintained systems shall be designed by a registered engineer and submitted as part of the application for SUP.

- Deviation: The applicant has indicated that these plans will be provided and permitted if the district is approved.

(12) Each manufactured home park shall have a minimum of five percent of the total area set aside and developed for recreational purposes. The required recreation space may include, but not be limited to a swimming pool, picnic areas with tables, basketballs goals with paved play areas, and playground(s) with play equipment. Exterior areas for common passive or active recreation use; i.e, play areas for children, outdoor seating areas and the like where the facilities are available for common use by tenants and visitors. Active recreation space shall be at least 20 feet from any residential unit. If a swimming pool is provided, it shall be separated from other uses by a fence having a gate which is capable of remaining closed.

- Deviation: The applicant has indicated that recreational areas will be provided by the adjoining park and that there are 2 acres of streams on the property.

(19) A fulltime on-site manager shall be provided for parks having at least 75 sites. An onsite, permanent (not manufactured) office shall be provided for the manager.

- Deviation: The applicant has indicated that property will be managed by the on-site management at North Meadows

(21) A designated and separate storage area for recreational vehicles, boats, and camp travel/trailers shall provide 72 square feet for every required parking space with a minimum of 720 square feet to be provided. Such area(s) shall have screening and landscaping which is consistent with other screening for similar uses (i.e. solid waste and mechanical screening). This area may be fenced. Fencing shall comply with any applicable design standards.

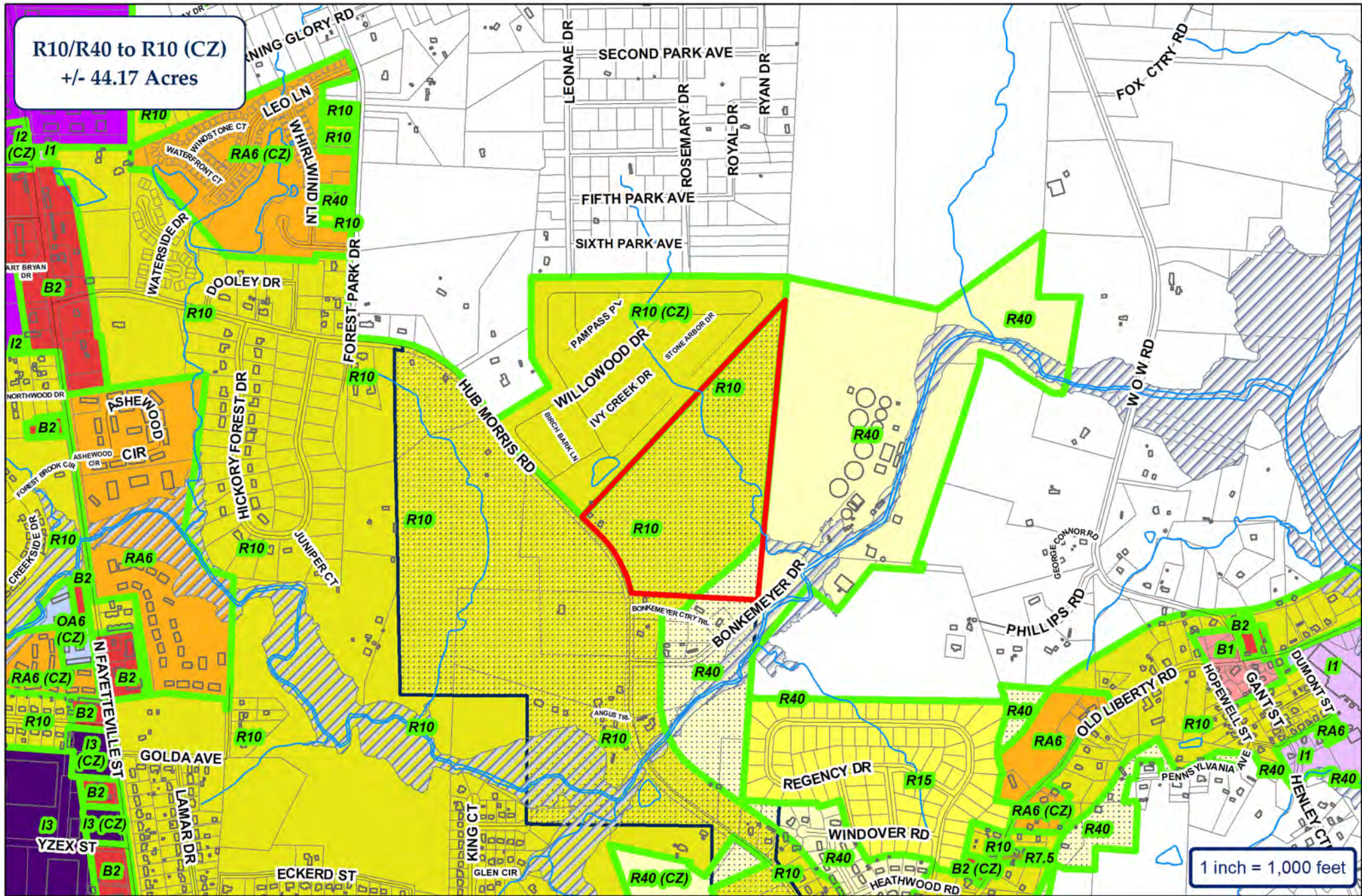
- Deviation: The applicant has indicated that proposed storage areas, when combined with the area provided in North Meadows, provides more than the required storage area.

Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)

RZ-21-16: Staff Attachment #2 (as of 1-5-22)

- (A) The use approved shall be a manufactured/mobile home park.
- (B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- (C) If the district is approved, full construction/civil drawings shall be submitted to the city for review prior to construction .
- (D) Prior to the issuance of the first zoning compliance permit for a home or structure, the new roadway connecting to Hub Morris Road and the roadway between Lot 1 and Lot 188 connecting with the North Meadows development shall be constructed and accessible.
- (E) Prior to the issuance of zoning compliance permits for Lots 19-28, the roadway north of lot 28 and connecting with the North Meadows development shall be constructed and accessible.
- (F) Prior to the issuance of zoning compliance permits for Lots 118-146, the roadway between Lots 154 and 155 shall be constructed and accessible across the stream and the roadway crossing the stream east of Lots 27 and 28 and west of Lots 132 and 133 shall be constructed and accessible.
- (G) The roadways connecting the subject property to North Meadows shall remain available for cross access in perpetuity.
- (H) Adequate turnaround for emergency and public services shall be provided at all times if construction is phased.
- (I) Street lights shall be installed and maintained by the property owner prior to the issuance of a zoning compliance permit in accordance with city policy for residential street lighting.
- (J) Installation and maintenance of street signs shall be the responsibility of the property owner. Street names must be approved by Randolph County for E-911 compliance.
- (K) As identified on the site plan, accessory structures shall be permitted without being considered a modification of the Conditional Zoning district. No carport shall be located in such a manner that impedes visibility from oncoming traffic.
- (L) Each dwelling shall have a visible lot number and/or address to facilitate rapid response in an emergency.
- (M) All homes shall be skirted.
- (N) No parking shall be permitted on the internal roadways.
- (O) Prior to the issuance of a zoning compliance permit for the proposed land use the applicant shall submit documentation on the following:
 - (1) NC Department of Environmental Quality permitting approval
 - (2) NC Department of Transportation permitting approval
 - (3) An engineering study of storm water that complies with Section 5.05 (15) (3), showing that post-development runoff will not exceed predevelopment runoff or mitigation measures detailed in this section are included within the proposed plans.
 - (4) Details ensuring the functional equivalent of full-time on or off-site property management.
 - (5) Details ensuring residents have continued use of the recreational amenities and recreational vehicle storage within the North Meadows community
- (P) Prior to the issuance of a zoning compliance permit, plans concerning water, including provisions for fire hydrants, and sanitary sewage that complies with city policies, shall be submitted. Surveying of any required city easements shall be the responsibility of the property owner.

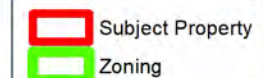
R10/R40 to R10 (CZ)
+/- 44.17 Acres



City of Asheboro Planning & Zoning Department

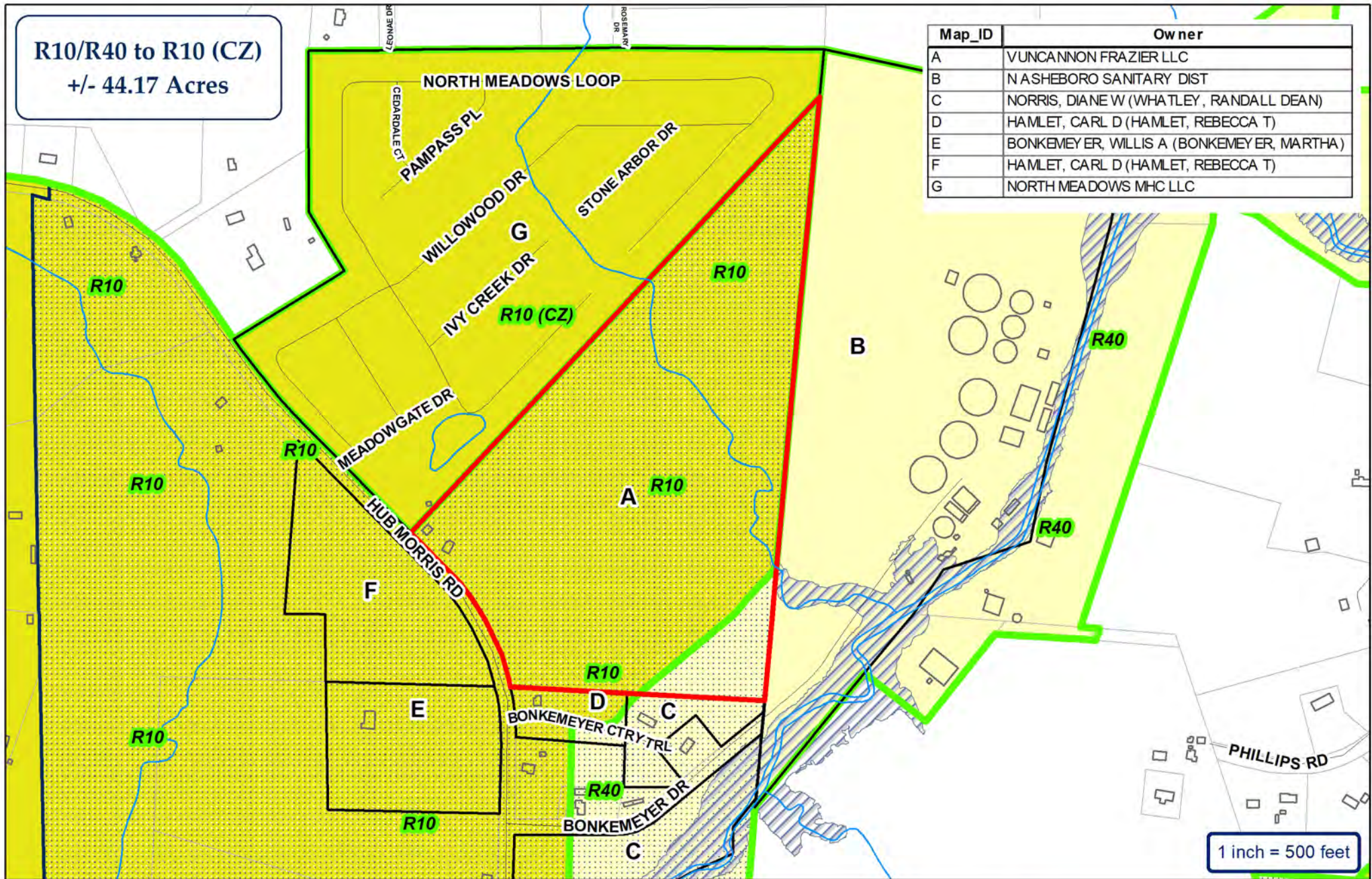
Rezoning Case: RZ-21-16

Parcel: 7763544550



R10/R40 to R10 (CZ)
+/- 44.17 Acres

Map_ID	Owner
A	VUNCANNON FRAZIER LLC
B	N ASHEBORO SANITARY DIST
C	NORRIS, DIANE W (WHATLEY, RANDALL DEAN)
D	HAMLET, CARL D (HAMLET, REBECCA T)
E	BONKEMEYER, WILLIS A (BONKEMEYER, MARTHA)
F	HAMLET, CARL D (HAMLET, REBECCA T)
G	NORTH MEADOWS MHC LLC



City of Asheboro Planning & Zoning Department

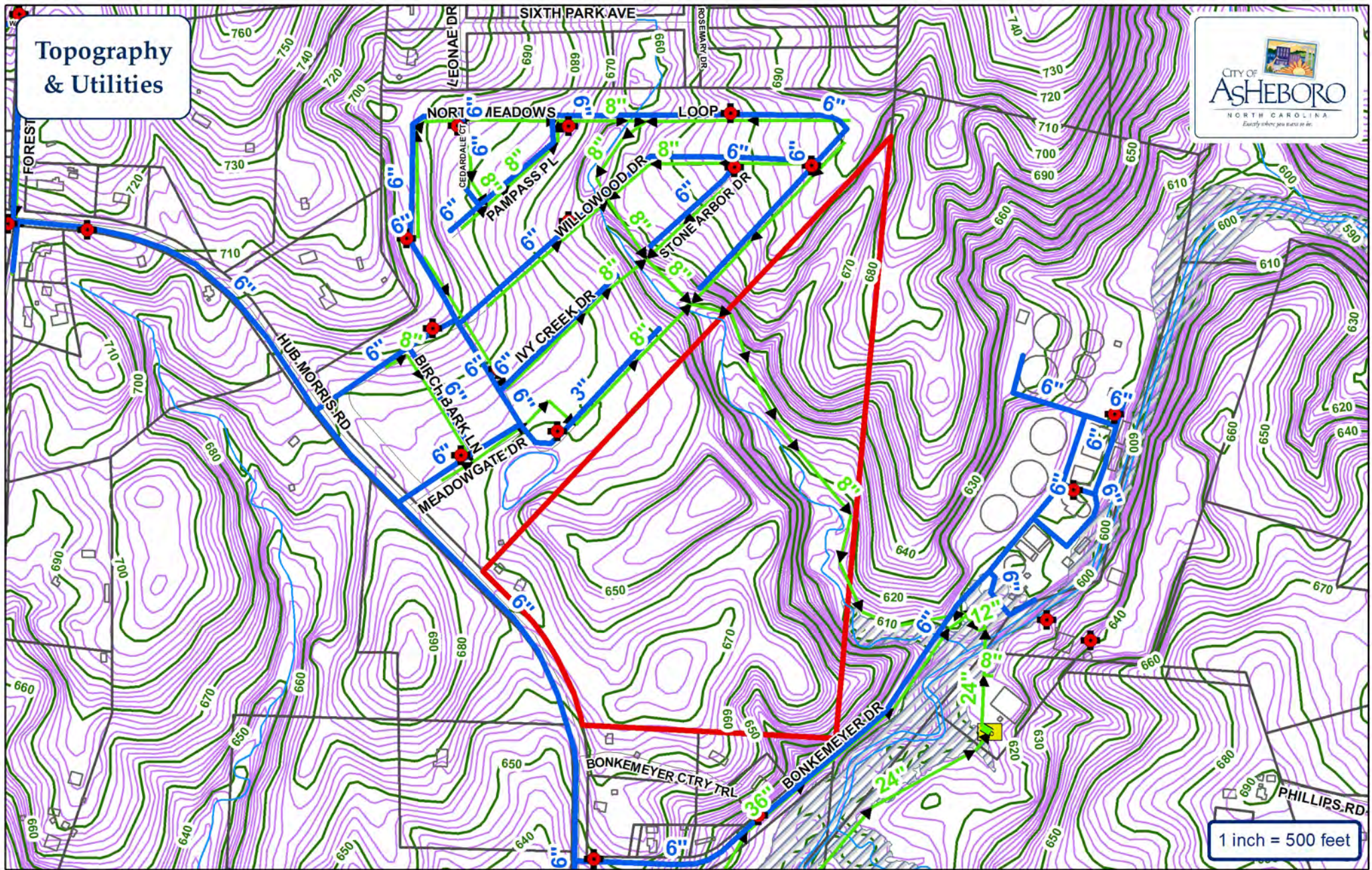
Rezoning Case: RZ-21-16

Parcel: 7763544550

- Subject Property
- Adjoining Properties
- Zoning



Topography & Utilities



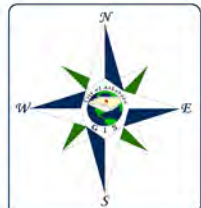
- Water Main
- Sewer Main
- Force Main
- Fire Hydrant
- Pump Station
- Watershed

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-16

Parcel: 7763544550

Subject Property

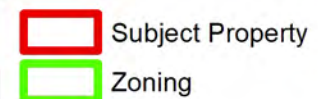


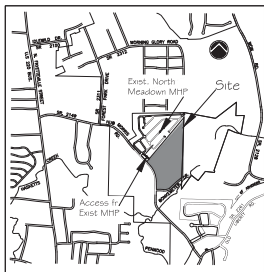


City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-21-16

Parcel: 7763544550





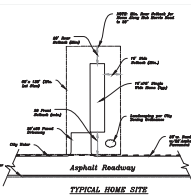
ZONING DATA	
Parcel ID:	7663544550
Owner:	Vuncannon-Frazier, LLC
Plot Bl./Page:	039019
Acres (Deed):	44.17
Fire District:	Randleman/Sophia
Township:	Franklinville
School District:	Randleman
Flood Zone:	No Flood Zone
Water:	Public w/Fire Protection
Sewer:	Public
Client Zoning:	R10 Asheboro
Zoning Requested:	R10-C2

PROJECT DATA	
No. of Spaces:	188
Min. Area/Space:	6000 sf
L.F. of Streets:	7400'
Water:	Public w/Fire Protection
Sewer:	Public

Vuncannon-Frazier, LLC
D.B. 2257, Pg. 1501
P.B. 39, Pg. 19, Tract 1
PIN 7763458540

EXISTING NORTH MEADOWS
MANUFACTURED HOME COMMUNITY

Maximo Hendon
D.B. 1859, F
PIN 77635



William Donald Smith
Carol Faye Smith
00099E/00734
PIN 776372603

Carl D. Hamlet
Rebecca T. Hamlet
D.B. 1308, Pg. 421
P.B. 30, Pg. 19
PIN 7763443078

50' Buffer to be
6'h.(min) grassed Earth Berm
w/White Rail Fence to Match
Exist. & Planted w/Yoshia
Evergreens (50'oc)Crape Myrtles
(50'oc) all w/Med. bushes in-
between. Fence to have Rock
Pillars @48' oc w/top lighting.

25' Wide Access Rd.
w/Electronic Gate

50' Rear Setback for
Hub Morris Rd. Only

Willa A. Borkmeyer
Martha Borkmeyer
D.B. 1009, Pg. 541
PIN 7763435416

Edward A. Wharton
and wife
Mary L. Wharton
D.B. 1440, Pg. 1389
P.B. 41, Pg. 11, Tract 1
PIN 776353316

Seppel's Vine
D.B. 1155, Pg. 555
PIN 776353003

Seppel's Vine
D.B. 950, Pg. 690
PIN 776353292

Clyde E. Watley and wife,
Christine Borkmeyer Watley
D.B. 1535, Pg. 325
PIN 776353507

Clyde E. Watley
and wife,
Christine S. Watley
D.B. 1508, Pg. 177
PIN 776353484

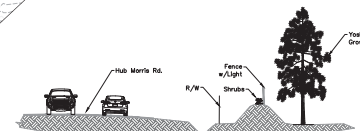
Clyde E. Watley and wife,
Christine Borkmeyer Watley
D.B. 1535, Pg. 325

Security Fencing @ 36" S&S
Prop. Lines w/Planted
Buffer on South Prop. Line

Approx. Location of
AE Flood Zone & 25'
Finge (Base E1=210.8)

Buffer Area Along
Creek (50' w.s.) to
have Constructed
Infiltration Areas
("rain-gardens") to
Reduce Stormwater
Runoff Pollution.

NORTH ASHEBORO SANITARY DISTRICT
CITY OF ASHEBORO WWTP



REPRESENTATION OF PLANTED BUFFER ON HUB MORRIS RD.
No Scale

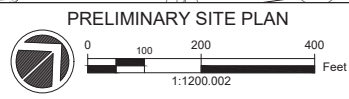
EDGE OF 100 YR.
FLOOD ZONE

EDGE OF 100 YR.
FLOOD ZONE

BY	DATE	DESCRIPTION	SYM.



CONSULTING, CIVIL ENGINEER
HIRAM J. MARZIANO, PE
PO Box 278, Asheboro, NC 27204 • (336)493-4450
hmarziano@triadbls.com



NORTH MEADOWS MANUFACTURED HOME COMMUNITY-Phase 2
Developers: Vuncannon Investments, LLC
801 Hub Morris Road
Randleman, Randolph Co., N.C. 27317
Tel: 336.465.3304 Email: cvuncannon@yahoo.com

Horizontal Scale: 1" = 100'	Sheet No.: 1
Date: 10-6-2021	Of: 1 Version: 1
Drawn: TS	
Job No.: Van-1	



Application for Conditional Zoning District

APPLICATION FEE

A \$550 filing fee is required.

APPLICATION INSTRUCTIONS:

The conditional zoning process can be complex. A Conditional Zoning District involves a proposal for a specific use that is customized to a particular property. In order to ensure compliance with application requirements, the applicant is **required** to have a pre-application conference with Planning and Zoning Department staff prior to submitting the application and paying the filing fee. Please contact staff at (336) 626-1201 ext. 225 to ensure application requirements are satisfied.

REQUIRED APPLICATION CONTENTS

1. A pre-application conference with staff is **required** prior to the application being accepted. At this conference, staff and the applicant will discuss the rezoning request, the unique aspects of conditional zoning, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plans, landscaping, and other development requirements. This meeting must occur no more than sixty (60) days prior to the application filing deadline.
2. A legal description/deed reference of such land.
3. Six (6) copies of a site plan drawn to scale to be submitted to the Planning Board. The Planning Board will review the proposal and forward a recommendation, including conditions for the zoning, to City Council. The month following the Planning Board meeting, City Council will review the proposed Conditional Zoning District application and site plan and may adopt, not adopt, or refer the application back to the Planning Board for review of any revisions made to the site plan subsequent to the initial submittal of the application materials.
4. Letter to be mailed by applicant notifying neighboring property owners of the request. Consistent with Section 160D-602(e) of the North Carolina General Statutes, the applicant shall notify neighboring property owners of the requested conditional zoning as well as the location, time, and date on which the Planning Board will hold a legislative hearing on the request. This notice must be in the form of a mailed notice provided in compliance with the guidance found in Section 160D-602(a) of the North Carolina General Statutes. During the legislative hearing, the applicant shall report to the Planning Board on the delivery of the required notice and any communication with neighboring property owners and residents concerning the requested conditional zoning.

APPLICATION DEADLINES AND MEETING DATES

The deadline for filing of applications for legislative hearings will be the day which is 55 days prior to the date of the City Council meeting for which the public hearing is to be set, provided that the deadline is no less than 17 days prior to the Planning Board's required legislative hearing; in these instances, the deadline will be 62 days prior to the date of the City Council meeting for which the public hearing is to be set.

If five (5) applications have been received prior to the cut-off date, the request will be heard the following month.

<i>Application Deadline</i>	<i>Planning Board Meeting</i>	<i>City Council Meeting</i>
December 11, 2020	Monday, January 4, 2021	Thursday, February 4, 2021
January 8, 2021	Monday, February 1, 2021	Thursday, March 4, 2021
February 12, 2021	Monday, March 1, 2021	Thursday, April 8, 2021
March 12, 2021	Monday, April 5, 2021	Thursday, May 6, 2021
April 16, 2021	Monday, May 3, 2021	Thursday, June 10, 2021
May 21, 2021	Monday, June 7, 2021	Thursday, July 15, 2021
June 11, 2021	Monday, July 12, 2021	Thursday, August 5, 2021
July 16, 2021	Monday, August 2, 2021	Thursday, September 16, 2021
August 13, 2021	Monday, September 13, 2021	Thursday, October 7, 2021
September 10, 2021	Monday, October 4, 2021	Thursday, November 4, 2021
October 15, 2021	Monday, November 1, 2021	Thursday, December 9, 2021
*November, 2021: Confirm application deadline with staff	Monday, December 6, 2021	*January, 2022: Confirm meeting date with staff

***January, 2022 Council meeting dates are not set by Council until December, 2021.**

ITEMS TO BE SHOWN ON THE SITE PLAN:

The application for a Conditional Zoning District shall include a site plan, which must be drawn to scale, with supporting information and text that specifies the actual use or uses intended for the Zoning Lot and any rules, regulations, and conditions that, in addition to all predetermined Ordinance requirements, will govern the development and use of the Zoning Lot. The following information must be provided, if applicable:

- 1) The actual shape, location, dimensions, and total acreage of the Zoning Lot; its zoning classification; the general location of the Zoning Lot in relation to major streets, railroads, and/or waterways; a north arrow; and, if the Zoning Lot is not of record, sufficient data to locate the lot on the ground;
- 2) All existing rights-of-way, easements, and reservations;
- 3) In addition to providing the shape, size, and location of any structure(s) already located on the Zoning Lot, the site plan must show the shape, size, and location of all structures to be erected, altered, or moved on the Zoning Lot;
- 4) Building elevations of all exterior facades at a minimum scale of 1/8" = 1';

- 5) The existing and intended use(s) of the Zoning Lot, specifically including the number of residential units and the total square footage of any nonresidential development;
- 6) The location and size of all yards, buffers, screening, and landscaping, including by way of illustration and not limitation front yard and parking lot landscaping, required by the Ordinance's predetermined standards for the general zoning classification applicable to the Zoning Lot or as otherwise proposed by the applicant;
- 7) All existing and proposed points of access to public streets;
- 8) Proposed phasing, if any;
- 9) The location and type of screening used to screen mechanical equipment;
- 10) The location, access to, and screening of a central solid waste area;
- 11) Traffic, parking, and circulation plans, specifically including the location and dimensions of off-street parking areas and loading spaces;
- 12) The grade separation of structure(s) and parking areas;
- 13) The paving material for parking areas;
- 14) Curb cuts;
- 15) The compliance of the proposed development with the Ordinance's predetermined sign regulations;
- 16) The level of compliance of the land use(s) proposed for the Zoning Lot with the Ordinance's predetermined performance standards for the general zoning classification assigned to the Zoning Lot, including by way of illustration and not limitation performance standards pertaining to light, noise, and vibration;
- 17) If applicable, the location of any flood zones;
- 18) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;
- 19) If applicable, the location of the watershed;
- 20) When required by the Ordinance's predetermined specifications, sidewalks; and
- 21) Information addressing the applicable permitting requirements of other local governmental agencies as well as federal and state agencies, including by way of illustration and not limitation, the North Carolina Department of Transportation and the North Carolina Department of Environmental Quality.

APPLICANT INFORMATION

Cory Vuncannon
Applicant Vuncannon-Frazier LLC Applicant's Phone # 336-465-3304
Applicant's Address 801 Hub Morris Road
Randleman NC 27317
Applicant email address cvuncannon@yahoo.com

PROPERTY INFORMATION

Property Owner's Name Vuncannon-Frazier LLC
Location of Property Hub Morris Rd Property Size (ac. or s.f.) 44.17 acres
Randolph County Property Identification Number (PIN#) 7763544550
Current Zoning District R10/R40 Requested Zoning District R10-CZ
Date Property Title Acquired 7-27-21 Deed Book 2764 Page 639
Subdivision Hamlet-Smith AC Section _____ Lot # Tract 2
Plat Book 39 Page 19

CONDITIONAL ZONING DISTRICT INFORMATION (Attach additional sheets if necessary)

1. Application is hereby made to the City of Asheboro for a Conditional Zoning District for the following purpose:

- Development of 189 manufactured home
sites w/
- Lot size 6000sf min w/ Asphalt drive
 - 25' wide access roads w/ 20'w Asphalt paving
 - City standard water & sewer facilities w/ dedicated easements
 - security fencing on South+East prop lines w/ planted area on south side
 - 25' wide access drive on Hub Morris Rd w/ electronic gate
 - Utilization of existing amenities + self-operated garbage collection.

2. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

the development will create a modern complex with the same zoning currently allowed in the existing manufactured home park.

For questions (3) and (4), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

3. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

Does not apply ☒

4. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

Does not apply ☒

5. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

the development will continue to fill the need for modern affordable housing in the city of Asheboro and surrounding areas.

Prepared by and return to:

Deborah L. McKenney
Blanco Tackabery & Matamoros, P.A.
P.O. Drawer 25008
Winston-Salem, NC 27114-5008

**ACCESS AND PARKING EASEMENT, TRASH EASEMENT AND TEMPORARY
CONSTRUCTION EASEMENT AGREEMENT**

This **ACCESS AND PARKING EASEMENT, TRASH EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT** (this “**Agreement**”) is made effective as of the ____ day of January, 2022, by and between the **CITY OF ASHEBORO**, a North Carolina municipal corporation and body corporate and politic (“**Grantor**”) and **CHURCH STREET LOFT APARTMENTS, LLC**, a North Carolina limited liability company (“**Grantee**”). Grantor and Grantee are collectively referred to as “**Parties**” and individually, a “**Party**”.

RECITALS:

WHEREAS, Grantor is the owner of those certain lots or parcels of land described more particularly in **Exhibit A** attached hereto and incorporated herein (the “**Grantor Property**”).

WHEREAS, Grantee is the owner of that certain lot or parcel of land described more particularly in **Exhibit B** attached hereto and incorporated herein (the “**Grantee Property**”).

WHEREAS, the Grantee has requested, and Grantor has agreed to grant a non-exclusive access, parking and trash easement over, under, and across a portion of the Grantor Property, as described herein.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor gives, grants, and conveys to the Grantee the easements described below.

1. ACCESS AND PARKING EASEMENT. Grantor, for itself and every future owner of the Grantor Property, grants and conveys to Grantee, and its agents, tenants, employees, contractors, subcontractors, licensees, invitees, successors, and/or assigns for the benefit of the Grantee Property, a permanent and perpetual non-exclusive parking easement over and across the area on the Grantor Property that is shown and labeled as “Proposed Parking Easement 5,708 Sq. Ft.” on the plat of survey recorded in Plat Book _____, Page _____, Randolph County Registry (hereinafter referred to as the “**Parking Easement Area**”). The Grantor is granting and conveying the non-exclusive parking easement to the Grantee for the purpose of providing parking within the Parking Easement Area and is also conveying a permanent and perpetual non-exclusive access easement across the drive lanes within the parking lot located on the Grantor Property, as such drive lanes may be relocated from time to time (the “**Access Easement Area**”) for purposes of providing ingress, egress, and regress over and within the Access Easement Area for pedestrian and vehicular traffic.

2. TRASH EASEMENT. Grantor, for itself and every future owner of the Grantor Property, grants and conveys to Grantee, and its agents, tenants, employees, contractors, subcontractors, licensees, invitees, successors and/or assigns for the benefit of the Grantee Property, a permanent and perpetual non-exclusive easement for the use, service of and access to and from the trash facility to be constructed by Grantor, at Grantor’s expense, on that portion of the Grantor Property identified as “Proposed Dumpster Easement 1,054 Sq. Ft.” on the plat of survey recorded in Plat Book _____, Page _____, Randolph County Registry (hereinafter referred to as the “**Trash Easement Area**”). Grantor shall bill Grantee for the right to use the trash facility within the Trash Easement Area commencing on the later of (i) the completion of the multifamily apartment complex to be located on the Grantee Property, and (ii) completion of the construction of the trash facility by Grantor, at the rate prescribed by the Code of Asheboro for the requested solid waste collection services.

3. TEMPORARY CONSTRUCTION EASEMENT. Grantor, for itself and every future owner of the Grantor Property, grants and conveys to Grantee, and its agents, tenants, employees, contractors, subcontractors, licensees, invitees, successors and/or assigns for the benefit of the Grantee Property, a temporary construction easement over and upon the Parking Easement Area in order to permit Grantee to perform certain construction work within the Parking Easement Area. The temporary construction easement granted to grantee by this Section 3 shall expire on December 31, 2023. At the end of the construction work to be performed in connection with this temporary construction easement, Grantee shall restore the Parking Easement Area to a condition equivalent to or better than the condition of such property prior to the commencement of such easement work. The Grantee shall be responsible for all costs of the construction work within the Parking Easement Area contemplated herein.

4. MAINTENANCE OF EASEMENT AREA. The Grantor, and its successors and assigns, shall be responsible for maintaining the Parking Easement Area, the Access Easement Area and the Trash Easement Area except as otherwise specifically provided herein; provided,

however, Grantor shall not be responsible for repairing any damage that is caused by the willful or negligent misconduct of Grantee or its agents, lessees, sublessees, employees, contractors, subcontractors, licensees, invitees, successors and/or assigns and Grantee shall be responsible for any such maintenance and repair.

5. BINDING EFFECT; ASSIGNMENT AND SUBLETTING; USE. This Agreement shall be binding upon and inure to the benefit of the Parties and their legal representatives, successors, and assigns. The rights and interests of the Parties pursuant to this Agreement shall automatically transfer to any sublease or assignment of the respective Party's interests, including any subsequent sublessee or assignee thereto, without the other Party's prior written consent. This Agreement shall run with title to the Grantor Property and the Grantee Property and shall burden and benefit the respective estates as provided herein. The Grantor covenants with the Grantee that it is seized of the Grantor Property in fee simple and has the right to convey the easements contained herein, and that the Grantor will forever warrant and defend the title to the easements granted herein against the lawful claims of all persons whomsoever.

6. INDEMNIFICATION. The Grantee hereby agrees to indemnify, defend, save and hold harmless the Grantor, and its city council members, employees, successors and assigns from and against all liabilities, judgments, demands, causes of action, claims, losses, damages, costs, and expenses of whatever nature (i) arising from any negligent act or omission of the Grantee or its contractors, tenants, licensees, invitees, agents, servants or employees related to their use of the easements granted herein, or (ii) arising from any accident, injury, or damage whatsoever caused to any person, or to the property of any person, or from any violation of applicable law, resulting from any act or neglect of the Grantee or its contractors, tenants, licensees, invitees, agents, servants or employees related to their use of the easements granted herein. This indemnity and hold harmless provision shall include indemnity against all costs, expenses, and liabilities, including reasonable attorneys' fees, incurred in or in connection with any such claim or proceeding brought thereon, and the defense thereof, and this indemnity shall survive expiration or earlier termination of this Agreement. Notwithstanding the foregoing, the aforementioned indemnity shall not apply to the extent that any liabilities, judgments, demands, causes of action, claims, losses, damages, costs, and expenses arise from or are caused by the negligence or willful misconduct of any party who is seeking indemnification.

7. NOTICE. All notices, demands, and requests which may or are required to be given shall be in writing and shall be sent by United States certified mail or registered mail, return receipt requested, postage prepaid or overnight courier, receipt confirmed by recipient, as provided in this Section 7. Such notice shall be deemed given on the date such notice is received or refused. The notice address may only be changed upon the recordation of a separately filed document with notice:

Addressed to Grantor:

City of Asheboro
Post Office Box 1106
Asheboro, NC 27204-1106
Attn: City Manager

Addressed to Grantee:

Church Street Loft Apartments, LLC
c/o Landmark Asset Services, Inc.
406 E. Fourth Street
Winston-Salem, NC 27101
Attn: President

With a copy to:

Blanco Tackabery & Matamoros, P.A.
404 W. Marshall Street
Winston-Salem, NC 27101
Attention: Deborah L. McKenney

And with a copy to:

Red Stone Equity Manager, LLC
c/o Red Stone Equity Partners, LLC
1100 Superior Avenue, Suite 1640
Cleveland, OH 44114
Attention: General Counsel

8. OWNERSHIP. The Grantor covenants to and with the Grantee, its successors and assigns, that the Grantor is the owner of the Grantor Property, and that the Grantor Property is free from any and all liens and encumbrances, and that it will and its successors and assigns shall forever warrant and defend the title to said Grantor Property and the easements granted hereby unto the Grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

9. HEADINGS. The headings of the paragraphs contained herein are intended for reference purposes only and shall not be used to interpret the agreements contained herein or the rights granted hereby.

10. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

11. AMENDMENTS. This Agreement may be modified, amended, or it may be abrogated or rescinded, in whole or in part, from time to time only when evidenced by a written document executed by Grantor and Grantee, or their successors and assigns.

12. GOVERNING LAW. This Agreement shall be construed under and governed by the laws of the State of North Carolina.

13. ENTIRE AGREEMENT. This Agreement together with all exhibits attached hereto contains the entire agreement between the parties, and there are no other terms, conditions, promises, undertakings, statements or representations, either written or oral or express or implied, concerning the matters addressed in this Agreement.

[SEPARATE SIGNATURE AND NOTARY PAGES ATTACHED]

IN WITNESS WHEREOF, Grantor has signed this instrument the day and year first above written.

GRANTOR:

CITY OF ASHEBORO

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

Title: _____ City Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____

I, the undersigned Notary Public of _____ County, North Carolina, do hereby certify that _____, who is personally known to me, voluntarily appeared before me this day and acknowledged that he/she is _____ City Clerk for the City of Asheboro, a North Carolina municipal corporation, and that, by authority duly given, the _____ of the City of Asheboro voluntarily executed the foregoing instrument on behalf of the City for the purposes therein expressed, _____ sealed the instrument with the municipal seal, and he/she attested the instrument in their official capacity as _____ City Clerk.

Witness my hand and notarial seal, this the _____ day of January, 2022.

My Commission expires: _____

Notary Public

[Affix Notary Seal/Stamp]

IN WITNESS WHEREOF, Grantee has signed this instrument the day and year first above written.

GRANTEE:

CHURCH STREET LOFT APARTMENTS, LLC

By: Church Street Lofts MM, LLC, Managing
Member

By: Landmark Asset Services, Inc., Managing
Member

By: _____
Samuel J. Sari, Vice President

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public for _____ County and State aforesaid, do hereby certify that Samuel J. Sari, Vice President of Landmark Asset Services, Inc., Managing Member of Church Street Lofts MM, LLC, Managing Member of Church Street Loft Apartments, LLC being personally known to me or proven by satisfactory evidence, personally appeared before me this day, and acknowledged the voluntary due execution of the foregoing instrument on behalf of the limited liability company for the purposes stated therein.

WITNESS my hand and notarial seal, this _____ day of January, 2022.

My Commission Expires: _____

Notary Public

[Affix Notary Seal/Stamp]

EXHIBIT A

ALL those certain tracts or parcels of land lying and being in Asheboro Township, City of Asheboro, Randolph County, and being more particularly described as follows:

BEGINNING at J.M. Trogdon's northwest corner on east side of Church Street in Town of Asheboro running thence South 86 degrees East on Trogdon's line 187 feet to Trogdon's corner; thence about South 60 feet from and parallel to Southern Railway right-of-way 109 feet to Trogdon's Southeast corner; thence on Baptist Church line nearly East 60 feet to the Southern Railway right-of-way; thence with Southern Railway right-of-way about North 204 feet to a stake; thence North 86 degrees West 200 feet to a stake on East side of Church Street; thence along Church Street 94 feet to the BEGINNING, containing 25,000 square feet, more or less.

TOGETHER WITH:

BEGINNING at a stake, the northwest corner of the Baptist Church lot on the east side of Church Street in the Town of Asheboro, North Carolina, running thence South 86 degrees East on the Baptist Church line 206 feet to a stake in said line 60 feet from Southern Railway right-of-way; thence in a northern direction 60 feet from and parallel with Southern Railway right-of-way about 109 feet to a stake; thence North 86 degrees West 106 feet from and parallel to the Church lot about 190 feet to a stone on the east side of Church Street; thence South 5 degrees West along east side of Church Street 106 feet to the BEGINNING, containing about 20,000 square feet, more or less.

EXHIBIT B

ALL that certain tract or parcel of land lying and being in Asheboro Township, City of Asheboro, Randolph County, as shown on a plat entitled "Minor Subdivision For: Church Street Loft Apartments, LLC" prepared by Survey Carolina, PLLC and recorded at Plat Book 171 Page 82, Randolph County Registry, being bounded on the north by West Salisbury Street, on the east by Norfolk Southern Railway, on the south by City of Asheboro, and on the west by North Church Street, and being more particularly described as follows:

BEGINNING at a mag nail set, said mag nail being located at the eastern right-of-way of North Church Street, said mag nail also located at the northwest corner of City of Asheboro property recorded in Deed Book 144, Page 106; thence with the eastern right-of-way of North Church Street, North 03 degrees 32 minutes 04 seconds East 279.42 feet to a mag nail set in concrete at the East right-of-way of North Church Street; thence North 51 degrees 26 minutes 25 seconds East 28.59 feet to a mag nail set in concrete at the intersecting point of the southern right-of-way of West Salisbury Street and the western right-of-way of Norfolk Southern Railway; thence with the western right-of-way of Norfolk Southern Railway along a curve to the right with a chord bearing of South 28 degrees 03 minutes 17 seconds East, a chord distance of 353.29 feet, and a radius of 1,091.66 feet to a cotton gin spindle set; said cotton gin spindle located at the northeast corner of the City of Asheboro property recorded in Deed Book 144, Page 106; thence with the City of Asheboro property North 85 degrees 48 minutes 45 seconds West 206.28 feet to the point of BEGINNING, containing 0.853 acres, more or less.

Date _____ Review Officer _____



- [illegible]

LINE	BEARING	DISTANCE
L17	N 03°47'11" E	16.00
L18	S 03°47'08" W	16.00

1. This project is not located within a special flood hazard area.
2. Area calculated by coordinate geometry.
3. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
4. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
5. Tax PIN: 7751736109

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book See, page Notes, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book See, page Notes; that the ratio of precision or positional accuracy as calculated is _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 14th day of December, A.D., 2021.



Professional Land Surveyor

Owners:
City of Asheboro
146 N Church St.
Asheboro, NC 27203

Firm #: P-1110
Dan W Tanner III L-4787
© 2021 Survey Carolina, PLLC

Easement Survey For:
Church Street Lofts
Apartments, LLC
City of Asheboro
Asheboro Township Randolph County
North Carolina December 14, 2021
Deed Book: 144 Page: 106
Scale: 1" = 20 US Survey Feet



Notes:

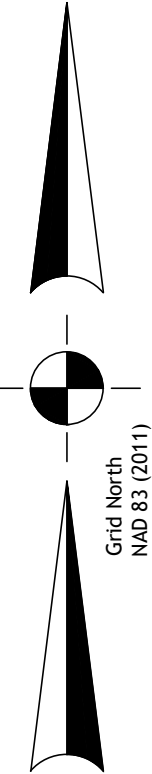
1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
6. Zoning: R10
7. Tax PIN: 7761523176

Date Annexation Ordinance
Adopted by the Asheboro City Council: _____
Annexation Ordinance Effective Date: _____



Location Map
(Not to Scale)

- | | | | |
|--|--------------------------------|--|--------------------------|
| | Hardwood Tree | | Catch Basin |
| | Evergreen Tree | | Yard Inlet |
| | Stone | | Storm Sewer Manhole |
| | R/W - Right of Way Monument | | Junction Box |
| | RRS - Railroad Spike | | Drop Inlet |
| | NIR - New Iron Rod | | Irrigation Control Valve |
| | NIP - New Iron Pipe | | Back Flow Preventer |
| | NCGS Monument | | Water Valve |
| | EN - Existing Nail | | Water Manhole |
| | EIR - Existing Iron Rod | | Water Meter |
| | EIP - Existing Iron Pipe | | Utility Pole |
| | Existing Concrete Monument | | Telephone Pedestal |
| | Bench Mark | | Telephone Pole |
| | Computed Point / Point Not Set | | Transformer |
| | Well | | Communications Manhole |
| | Property Line | | SS Manhole |
| | Computed Property Line | | SS - Sanitary Sewer |
| | Right of Way Line | | SS Cleanout |
| | Easement Line | | U/G Power Box |
| | Tie Lines | | PP |
| | Setback Lines | | Power Pole |
| | Overhead Utility Line | | LP |
| | Gas Line | | Light Pole |
| | Sanitary Sewer Line | | Guy Pole |
| | Water Line | | Gas Valve |
| | Fence | | Guy Wire |
| | Overhead Power Line | | Storm Sewer Line |
| | Underground Electric Line | | Gas Manhole |
| | Underground Comm. Line | | Gas Meter |
| | | | Fire Hydrant |
| | | | Electric Meter |
| | | | Electric Manhole |



STATE OF NORTH CAROLINA

I, _____ Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

J-Mac Properties, LLC
2437 - 770
Lots 4, 5, 6, 7 & 8 of PB 6 Pg 45

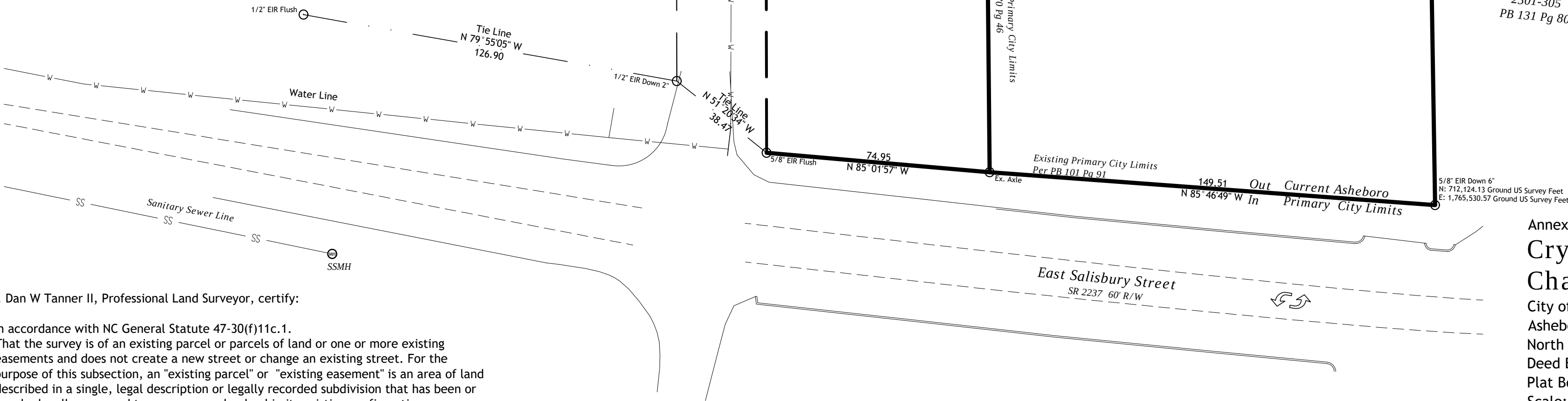
Charles Morris Ridley
2748-2762
PB 170 Pg 46

Total Area to Be Annexed 0.679 Acres

29,593 Sq Ft
Lots 4A, 5A, 6A, 7A, 8A, 9A & A Portion of 10A & 11A of PB 4 Pg 16

Kenneth P. Gallimore
Bridget F. Gallimore
2501-305
PB 131 Pg 80

Owners:
Crystal P. McClelland Coldiron
Charles Coldiron
1417 E Salisbury St
Asheboro, NC 27203



I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11c.1. That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purpose of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:

Book 1633, page 1074;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See, page Notes; that the ratio of precision or positional accuracy as calculated is 1:10000+, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 9th day of November, A.D., 2021.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor

L-4787



I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: Class A
- (2) Positional accuracy: <0.10'
- (3) Type of GNSS field procedure: Real-Time Kinematic Networks
- (4) Dates of survey: November 05, 2021
- (5) Datum/Epoch: NAD83(2011) / 2010.00
- (6) Published/Fixed-control use: North Carolina Real Time Network
- (7) Geoid model: Geoid 12A
- (8) Combined grid factor(s): 0.99987022
- (9) GPS/GNSS Scale Point:
N:712136.279 E:1765380.515 Z:796.34
- (10) Units: US Survey Feet

Annexation Survey For:
Crystal P. McClelland Coldiron
Charles Coldiron

City of Asheboro
Asheboro Township
North Carolina
Deed Book:1633 Pg:1074
Plat Book:6 Pg:45
Scale: 1" = 30 US Survey Feet

Bar Scale:



SURVEY CAROLINA, PLLC

154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
© 2021 Survey Carolina, Plc

Job #: 13451

COOP PRICING PROPOSAL



ASHEBORO COPPERHEADS MCCRARY PARK

December 22, 2021

FieldTurf USA, Inc. is pleased to present the following proposal. FieldTurf pricing is based on the The Keystone Purchasing Network (KPN) contract. KPN provides predetermined preferential pricing through approved vendors. Since the products have already been bid at the national level, individual schools do not have to duplicate the bidding process per KPN Contract # 201801-01.



Click on the following KPN hyperlink for contract due diligence documentation:

[KPN Contract # 201801-01.](#)

Field Name / Description	LUMP SUM
Fieldturf DoublePlay Natural Turf System on approximately 125,034 SF	\$ 1,427,000.00
Price includes:	
a) Civil Scope (See description below)	
b) Turf Scope: (See description below)	
Material Price Increases as of 12.22.2021	\$13,475.00
Performance & Payment Bonds	NIC
Total	\$ 1,440,475.00

PRODUCT DETAILS

FieldTurf, the worldwide leader in artificial turf, is pleased to offer the FieldTurf DoublePlay Natural system, with the following product characteristics:

NATURAL CLAY (XT-50-3/8)

- ▶ **Pile Height:** 2 Inches
- ▶ **Infill Weight:** 5.4lbs sand & 1.5lbs ambient rubber per sq.ft.
- ▶ **Pile Weight:** 42 oz/yd²
- ▶ **Total System Weight:** 1059 oz/yd²

NATURAL GRASS (FTVT-50)

- ▶ **Pile Height:** 2 Inches
- ▶ **Infill Weight:** 3.65lbs sand & 2.6lbs ambient rubber per sq.ft.
- ▶ **Pile Weight:** 39 oz/yd²
- ▶ **Total System Weight:** 962 oz/yd²

COOP PRICING PROPOSAL



FieldTurf has taken the necessary steps to ensure that your project will run smoothly and that the quality promised will be the quality delivered.

PRICE INCLUDES:

Site Work

- a) Mobilization
- b) Layout/CM
- c) Erosion & Sediment Control - **Allowance**
- d) Stone Construction Entrance
- e) Demo - Existing Turf Infield, Irrigation
- f) Strip Topsoil (6" Avg.) - **Strip & Load ONLY; City to Provide Trucking**
- g) Cut to Subgrade - **Strip & Load ONLY; City to Provide Trucking**
- h) Laser Grade Subgrade
- i) Install 8" x 10" Concrete Curb w/ Nailer
- j) Install 12" x 12" Notched Concrete Curb
- k) Install 10" Perf. HDPE Perimeter Drain – **Tie Into Existing Storm w/in Field Limits**
- l) 6" Solid HDPE Pipe
- m) 6" Perf. HDPE Pipe
- n) Install 10" Solid Outfall Pipe
- o) Install 18" Nyloplast Structures
- p) Install Panel Drains - Daylight to Pipe Trench
- q) Install 4 oz Geotextile Fabric
- r) Install 5.5" # 57 Base Stone
- s) Install 1.5" Finish Stone
- t) Laser Grade Finish Stone
- u) Install Game Mound - CONCRETE
- v) Install Bull Pen Mounds - CONCRETE
- w) Install Bases & Sleeves
- x) Install 3'-6" Black Vinyl Coated CLF & Gates
- y) Install 2" Conduit @ Perimeter of Field
- z) Install Comm Boxes
- aa) Install (2) 2" Conduits to Scoreboard
- bb) Install Water Line
- cc) Quick Couplers
- dd) Restoration - Topsoil & Seed Disturbed Area

Synthetic Turf

- ee) Installation of the artificial in-filled grass surface upon a suitable base
- ff) Warning Track Infill: 10 lbs/sf sand
- gg) Alternating Panels

COOP PRICING PROPOSAL



- hh) An 8 year 3rd party pre-paid insured warranty on the FieldTurf artificial grass surface; with exception on the home plate area, base paths and pitcher's mound which shall be 2 years instead of 8 years and there is no third party insurance.
- ii) Inlaid Baseball Markings
- jj) Home Plate & Game Mound Replacement Panels
- kk) Bullpen Mounds Replacement Panels
- ll) FieldTurf FieldSweep
- mm) Use Tax on FieldTurf Materials

PRICE DOES NOT INCLUDE:

- a) E & S Controls - Allowance Only
- b) Supply or installation of Perimeter Safety Fencing
- c) Rock excavation, haul off spoils offsite
- d) Site Security
- e) Unsuitable soils - Once subgrade has been established, a proof roll will be required to ensure structure stability of the soils. In the event that unsuitable soils are encountered, a price to remedy the areas will be negotiated between owner and contractor.
- f) Installation of manholes, junction boxes, gabions, concrete or rock rip rap, storm drainage not related to the field construction, grate inlets, RCP
- g) Relocation, removal of existing utilities not limited to electrical conduits, power poles, water, sewer, gas cable, telephone, storm drainage, irrigation heads, lines, valve boxes or wiring of same
- h) Permits and fees are responsibility of owner
- i) Construction signs (If necessary, are responsibility of owner)
- j) Small vehicle to tow FieldTurf Groomer
- k) Geotechnical investigation of site
- l) Storm Water Management Requirements beyond scope listed above is NOT included.
- m) Unless otherwise specified, the price does not include any G-max testing.
- n) Any alteration or deviation from specifications involving extra costs, which alteration or deviation will be provided only upon executed change orders, and will become an extra charge over and above the offered price.
- o) Boring for utilities.
- p) Any electrical work.
- q) Asphalt paving.
- r) Concrete.
- s) Track surfacing, unless otherwise specified.
- t) Design services and construction documentation, including, but not limited to, conceptual drawings/preliminary design; construction drawings; storm water management; submittal reviews and processing; architectural/engineering inspections; soil borings; professional survey; and as built drawings.

COOP PRICING PROPOSAL



- u) Repair or resurfacing existing asphalt parking lot if damaged by truck traffic.
- v) Site restoration, sodding, landscaping or grow-in.
- w) Prevailing wages, union labor and other labor law levies.
- x) Anything not explicitly noted in the inclusions.

The price is valid for a period of 90 days. The price is subject to increase if affected by an increase in raw materials, freight, or other manufacturing costs, a tax increase, new taxes, levies or any new legally binding imposition affecting the transaction. The price of the base preparation is subject to increase in the event FieldTurf encounters any of the following site conditions: soil contamination; bedrock; unknown utilities; underground springs; unstable or unsuitable ground; and any concealed or unknown conditions.

Please feel free to reach out to any member of our project team with questions about our offer:

Victoria Talay
Project Manager
438-829-1958

victoria.talay@fieldturf.com

Patrick Zeni
Regional Sales Manager
724-825-3765

patrick.zeni@fieldturf.com

Thank you again for your interest in FieldTurf, we look forward to working with you.

Per:

Marie-Christine Raymond, Director of Operations
FieldTurf USA, Inc. / Tarkett Sports Canada, Inc.

FieldTurf USA, Inc. holds the Cooperative Purchase contract, any PO for Contract must be made out to FieldTurf USA, Inc. 175 N Industrial Blvd NE. Calhoun, GA 30701

If you have questions regarding the FieldTurf and Beynon SmartBuy Cooperative Purchasing Program, please contact Eric Fisher at: Eric.Fisher@smartbuycooperative.com.



COOP PRICING PROPOSAL



CONDITIONS

Notwithstanding any other document or agreement entered into by FieldTurf in connection with the supply and installation only of its product pursuant to the present bid proposal, the following shall apply:

- a) This bid proposal and its acceptance is subject to strikes, accidents, delays beyond our control and *force majeure*.
- b) FieldTurf's preferred payment terms are as follows: progress payments.
- c) Accounts overdue beyond 30 days of invoice date will be charged at an interest rate of 10% per annum.
- d) FieldTurf requires a minimum of 21 days after receiving a fully executed contract or purchase order and final approvals on shop drawings to manufacture, coordinate delivery and schedule arrival of installation crew. Under typical field size and scenario, FieldTurf further requires a minimum of 28 days per field to install the Product subject to weather and *force majeure*.
- e) FieldTurf requires a suitable staging area. Staging area must be square footage of field x 0.12, have a minimum access of 15 feet wide by 15 feet high, and, no more than 100 ft from the site. A 25 foot wide by 25 foot long hard or paved clean surface area located within 50 feet of the playing surface shall be provided for purposes of proper mixing of infill material. Access to any field will include suitable bridging over curbs from the staging area to permit suitable access to the field by low clearance vehicles. Staging area surface shall be suitable for passage with motor vehicles used to transport materials to the site and/or staging area. FieldTurf shall not be liable for any damages to the staging area or its surface unless such damages are caused by FieldTurf's intentional misconduct or negligence.
- f) This proposal is based on a single mobilization. If the site is not ready and additional mobilizations are necessary, additional charges will apply.
- g) Upon substantial completion of FieldTurf's obligations, the Customer shall sign FieldTurf's Certificate of Completion in the form currently in force; to accomplish this purpose, the Customer will ensure that an authorized representative is present at the walk-through to determine substantial completion and acceptance of the field, which may include a list of punch list items.
- h) FieldTurf shall not be a party to any penalty clauses and/or liquidated damages provisions.
- i) FieldTurf shall be entitled to recover all costs and expenses, including attorney fees, associated with collection procedures in the event that FieldTurf pursues collection of payment of any past due invoice.
- j) All colors are to be chosen from FieldTurf's standard colors.

THE TARKETT SPORTS FAMILY - LEADERS IN SPORTS SURFACING



[illegible]

TAX PARCEL #42557
DB 2548 PG 883



POLITICAL OPINIONS

McCABE BALLPARK IMPROVEMENTS

120 SOLIDARITY REL.
AGREARD ACCORDING



SHEET NO. 00000000

EX 100

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2021-2022

WHEREAS, the City of Asheboro McCrary Baseball Park Improvements fund was established September 2021, and

WHEREAS, the City of Asheboro has received \$1.1 M in citizen contributions toward the installation of a new playing field surface at the ball park, and

WHEREAS, the contract for services from FieldTurf USA, Inc., an approved vendor of the Keystone Purchasing Network, of which the City of Asheboro is a member, is for \$1,440,475.00, and

WHEREAS, the City desires to appropriate \$341,000 in Fund balance to be transferred to the McCrary Baseball Park Improvements Fund to make up the difference between citizen contributions and the cost of the new field playing surface, and

WHEREAS, based on CPL Architecture Engineering plans, the construction of a retaining wall is needed before proceeding with other planned improvements at the McCrary Baseball Park and the lowest responsive bid to construct the retaining wall is for \$455,600, and

WHEREAS, the City of Asheboro wishes to appropriate General Fund balance in the amount of \$455,600 for the retaining wall, and

WHEREAS, the City desires to allocate funding and appropriate for the expense in the McCrary Baseball Park Improvements Fund, and

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: The following revenues line item is increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
10-399-0000	Fund Balance Appropriation- Field surface	341,000
10-399-0000	Fund Balance Appropriation- Retaining wall	456,000
		\$797,000

Section 2: The following expense line item is increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
10-620-6500	Contribution to McCrary Baseball Park Improvements Fd	\$797,000

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2021-2022

Adopted this the 6th day of January 2022.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE MCCRARY BASEBALL PARK IMPROVEMENTS FUND
FY 2021-2022

WHEREAS, the City of Asheboro McCrary Baseball Park Improvements fund was established September 2021, and

WHEREAS, the City of Asheboro has received \$1.1 M in citizen contributions toward the installation of a new playing field surface, and

WHEREAS, the contract for services from FieldTurf USA, Inc., an approved vendor of the Keystone Purchasing Network of which the City of Asheboro is a member, is for \$1,440,475.00, and

WHEREAS, the City of Asheboro wishes to appropriate General Fund balance in the amount of \$341,000 for the difference between the citizen contributions and the contract expense, and

WHEREAS, based on CPL Architecture Engineering plans, the construction of a retaining wall is needed before proceeding with other planned improvements at the McCrary Baseball Park and the lowest responsive bid to construct the retaining wall is for \$455,600, and

WHEREAS, the City of Asheboro wishes to appropriate General Fund balance in the amount of \$455,600 for the retaining wall, and

WHEREAS, the City desires to allocate funding and appropriate for the expense in the McCrary Baseball Park Improvements Fund, and

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: The following revenues line item is increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
65-300-0000	Contributions / Donations	1,100,000
65-300-1000	Contribution from General Fund- Field	341,000
65-300-1000	Contribution from General Fund- retaining wall	456,000
		\$1,897,000

Section 2: The following expense line item is increased:

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
65-402-0000	Construction - Field Turf	1,441,000
65-402-0000	Construction – Retaining Wall	456,000
	Total	\$1,897,000

ORDINANCE TO AMEND
THE MCCRARY BASEBALL PARK IMPROVEMENTS FUND
FY 2021-2022

Adopted this the 6th day of January 2022.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk